

ASSESSING LEGAL INTERPRETER QUALITY THROUGH TESTING AND CERTIFICATION: THE QUALITAS PROJECT

CYNTHIA GIAMBRUNO (Ed.)



PUBLICACIONES
UNIVERSIDAD DE ALICANTE

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This book has been duly reviewed by outside evaluators in order to guarantee that it meets University of Alacant/Alicante quality standards.

This publication has been produced with the financial support of the Criminal Justice Programme of the European Union. The contents of this publication are the sole responsibility of the members of the Qualitas Project and can in no way be taken to reflect the views of the European Commission.

University of Alacant/Alicante Publications
03690 Sant Vicent del Raspeig
publicaciones@ua.es
<http://publicaciones.ua.es>
Telephone: 0034 965 903 480

© the authors, 2014
© of this edition: The University of Alacant/Alicante

ISBN: 978-84-9717-308-7
Legal register: A 348-2014

Cover design: candela ink
Lay-out and design: Marten Kwinkelenberg



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TABLE OF CONTENTS

PREFACE AND ACKNOWLEDGEMENTS.....	9
INTRODUCTION.....	13
1. SOME CONSIDERATIONS ON THE TESTING OF INTERPRETING SKILLS	17
2. PRINCIPLES OF TESTING	27
3. INTERPRETING TEST FORMAT	41
4. TESTING KNOWLEDGE OF THE LEGAL CONTEXT.....	69
5. TESTING KNOWLEDGE OF CODES OF ETHICS	77
6. DEALING WITH LANGUAGES OF LESSER DIFFUSION.....	93
7. TECHNOLOGICAL SUPPORT FOR TESTING.....	109
8. THE ORGANISATION AND ADMINISTRATION OF CERTIFICATION SCHEMES	141
9. THE CURRENT STATE OF AFFAIRS IN THE UE: MEMBER STATE PROFILES	149

APPENDIX 1. SAMPLE TESTS AND EXERCISES FROM CERTIFICATION SCHEMES IN THE EU	191
APPENDIX 2. SAMPLE CODES OF ETHICS AND ASSESSMENT EXERCISES	223
APPENDIX 3. LINKS OF INTEREST FOR ON-LINE RESOURCES	237
GLOSSARY OF TERMS	245
BIBLIOGRAPHY	253
PROJECT PARTICIPANTS.....	261

PREFACE AND ACKNOWLEDGEMENTS

Qualitas: Assessing LI Quality through Testing and Certification is a project carried out under the auspices of the European Commission and the Directorate General for Justice through its Action Grants program. The work done on this project complements and furthers that done on previous EU projects over the last decade (Grotius 98/GR/131, Grotius 201/GRP/015, Agis JAI/2003/AGIS/048, Agis JLS/2006/AGIS/052, and Agis JLS/2007/JPEN/219). Qualitas aims to add significantly to Member States' ability to provide reliable interpreting services to their legal systems by providing tools to identify individuals who possess the requisite knowledge and skills to assist in judicial and police matters that involve individuals who do not have a sufficient command of the official language of the proceedings.

The project was developed in response to Articles 2.8 and 5.1 of European Directive 2010/64/EU on interpretation and translation in criminal proceedings. These articles stipulate that the interpretation and translation provided in criminal cases in judicial systems throughout the European Union should be of a quality sufficient to safeguard the fairness of the proceedings and that Member States must take concrete measures to achieve that level of quality. It further stipulates the establishment of registers of qualified interpreters with the goal of enhancing mutual trust between Member States and ensuring equal treatment for anyone involved in a criminal case who has limited or no knowledge of the language of the proceedings. A more recent directive, Directive 2012/29/EU, recognizes the rights of victims to interpreting services as well.

At present, mechanisms for certifying the competence of legal interpreters in many, if not most, EU Member States are inadequate or non-existent. The Member State Profiler Show included in this publication show the fragmented approach taken in many countries to the provision of LIT service and the often *ad hoc* measures that have been implemented, often in good faith, to deal with a very complicated issue. These approaches and measures may reflect a general lack of knowledge and understanding of legal interpreting,

a lack of awareness of the needs of individuals in a situation of linguistic limitations, or the difficulties involved in appropriately allocating limited resources. On the other hand, these surprisingly diverse approaches might also be a reflection of the creativity and perseverance of committed individuals who have been attempting to find innovative solutions to a long-standing problem in difficult social and economic times.

The Qualitas Project takes as its starting point the belief that there should be uniform quality standards throughout the European Union as regards legal interpreting in order to build the mutual trust and ensure the legal certainty that are the cornerstones of EU policy in matters of criminal justice. Through collaboration and cooperation, the fourteen experts who participated in the project have worked to define what those standards should be and how to achieve them. Examples of successful efforts have been examined alongside examples of missteps that have produced undesired results. Vigorous debate has taken place on a wide range of issues related to interpreting quality, with emphasis on feasible solutions that take into account the diversity that exists in the EU and current administrative and economic realities.

The project focuses on certification through testing and assessment as the best way to determine who is qualified to interpret in police and legal matters in the European Union. Project results are meant to provide the authorities, agencies, organizations and individuals responsible for providing legal interpreting services some practical advice on how to address the issues that must be considered when developing a qualifying or certification process. It offers understandable and useful foundational information based on research and experience, as well as specific steps to take to develop valid and reliable certification instruments for all of the languages required in their respective judicial systems. Suggested formats, question types, and performance criteria are offered, with reasoned justifications and indications for their use in specific situations. Sample texts, questions and scoring procedures are included. Detailed indications on test administration are also provided as the faulty administration of a good exam can invalidate the process. The Project's final phase entails providing a direct consultation service through an electronic help desk to anyone involved in providing legal interpreting services in the EU.

This book and the consultation services offered through the Project have required a great deal of effort and dedication by the project participants. I would like to thank each of them individually as well as our partner institutions for their contributions and support.

Sabine Braun, The University of Surrey (Great Britain)
Juan Miguel Ortega Herráez, The University of Alicante (Spain)
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Our outside experts merit special mention for their invaluable insights and willingness to go above and beyond. Their expertise has been key to the final content and quality of this publication.

Ann Corsellis (U.K.)
Erik Hertog (Belgium)
Hilary Maxwell-Hyslop (U.K.)
Roelof van Deemter (The Netherlands)

Special thanks also go to the informants from throughout the European Union who took the time to provide extensive information on the current state of affairs of legal interpreting in their countries; to the IoL Educational Trust and the Chartered Institute of Linguists (UK) and the *Kammarkollegiet* (Sweden) for granting us permission to reproduce actual tests and exercises from their certification schemes; to Juan Carlos Ivorra and Encarnación Company, our research specialists at the University of Alicante for their always positive, energetic and efficient approach to the administrative tasks of this project; and to Francisco Gallego, also of the University of Alicante, for providing the IT expertise for the creation of the project webpage and the help desk consultation service.

Finally, our sincerest gratitude to the European Commission for their commitment to guaranteeing the rights of all individuals involved in criminal matters in the EU. Thanks to the directives the Commission has forged and to the financial support provided through the Directorate General for Justice, Freedom and Security to this and many other projects, advances are being made towards equal treatment and justice for all.

Cynthia Giambruno

INTRODUCTION

Quality is a difficult concept to define, and it is even more difficult to achieve in a measurable and uniform fashion, especially in matters of human communication. The issue of quality in legal interpreting is certainly one that authorities and experts in many Member States are well aware of and have tried to address. The approaches taken have focused on training programs ranging from short workshops to full academic degree programs; on qualifications-based registers which often require experience, training and some proof of moral integrity; on oversight and sanctioning schemes for misfeasance; and in some cases on testing schemes, either free standing or in conjunction with training. In related professional fields, it has been recognized that the most effective means of ensuring quality is to determine the skills that are required, define acceptable performance levels, and develop evaluation instruments that will distinguish those who have achieved the required standard of performance from those who have not. Certifying competent interpreters using a similar approach, through a valid testing and assessment scheme, would put interpreters on equal footing with other professionals in the legal field. The members of the Qualitas Project support comprehensive testing as the best, and perhaps the only valid way of ensuring that individuals who are called to work in the legal system can perform to a pre-established level of excellence. Given that in the vast majority of cases, interpreter performance cannot be easily monitored by the users of those services (judges, lawyers, police, defendants, victims), it is of paramount importance that a system be devised to assess ability prior to allowing individuals to work in this field. Only in the most egregious of situations, in which faulty interpreting leads to a significant breakdown in communication, is poor performance perceivable. In many cases, errors go undetected and miscarriages of justice occur.

The Directorate General of Justice, Freedom and Security is well aware of the need to improve the interpreting services being delivered in courtrooms, police stations and other legal venues throughout the European Union, as is evidenced by the introduction of the issue of quality in Directive

2010/64/EU on the right to interpretation and translation in criminal proceedings. Legislative mandates that guarantee individuals the right to interpreting services have been in existence for many years, and services have indeed been provided. However, the number of complaints related to interpreting has multiplied, and there is a growing awareness of the problems that arise when quality standards are not in place.

The Qualitas Project has undertaken a study of the current situation to provide foundational information about legal interpreting practices in the 28 EU Member States¹. Practices and standards vary greatly, not only between Member States, but also from region to region within a Member State. In response to the information gathered, the members of the Qualitas Project have attempted to set out methods and guidelines for developing testing schemes to identify competent practitioners. The minimum core components that all certification schemes should include are explained, and issues of validity and reliability are addressed. This publication is not meant to be prescriptive, but rather to offer reasoned alternate approaches to testing and certification that can be adapted to the realities of each Member State. However, the goal is to work towards common base-line standards throughout the European Union in order to enhance the legal certainty that is needed for mutual trust to exist. The chapters are designed to stand-alone, and the book need not be read in any particular order or completely through. Thus, the repetition of certain fundamental concepts in several chapters is intentional. Each chapter addresses a specific issue and was developed by a small group of experts and then debated by the project members as a whole. The style used in each chapter reflects that of the expert group. Cross-referencing is provided to assist readers in accessing more in-depth information when needed.

[Chapter 1](#) provides a general theoretical overview of some of the issues related to interpreting, including a discussion of the interactional nature of interpreting, the concept of bilingualism, and the underlying language proficiency that all interpreters must have. An exploration of language knowledge leads to the consideration of basic tenets of testing and the challenges involved in adequately testing language skills. From there a discussion is provided on interpreter testing, with an interesting introduction to languages of lesser diffusion and language variation.

1. In this study, legal translation is only addressed when the approach taken in a specific country is to bind translating and interpreting together. A concurrent EU project, the Qualettra Project, addresses issues related to legal translating. By taking the results of these two projects together, stakeholders will have the information they need to create well-founded certification schemes for both translating and interpreting.

Chapter 2 begins by setting out the minimum set of skills that should be tested in any legal interpreter certification scheme. It goes on to present basic principles of test design and psychometrics and identifies and explains some of the key testing principles that inform the development of such a scheme. It explains the concepts that test developers need to understand to be able to design a valid and reliable test including the test construct, performance-based assessment, test validity, authenticity, and reliability, scoring methods and screening. The importance of creating test specifications is also discussed and a sample is provided.

Chapter 3 gives form to many of the concepts presented in the previous chapter by providing a detailed and structured approach to developing interpreting tests. A brief overview of the interpreting modes used in police and judicial venues is presented, and options for testing skills in each mode are explained. For each mode a rationale is given, together with a list of factors to consider, guidelines for the selection of text types and characteristics (e.g. duration, length, linguistic density and so on), a discussion of the issues to consider as regards the use of live or recorded materials, and a set of recommended performance criteria. Sample scripts from established testing schemes are provided. Discrete-competency versus combined competency testing is explained and the use of an abridged or bifurcated testing approach is discussed.

Chapters 4 and 5 concern the testing of knowledge subsets rather than skill subsets, namely knowledge of the legal context and knowledge of the code of ethics and guidelines of good practice, respectively. To be effective, legal interpreters must understand the legal system in which they are working, be well versed in legal terminology in their working languages, and be competent at using on-line legal resources. Furthermore, an effective LI must not only know and understand the professional code of ethics, but must also integrate the principles of the code into his or her professional behaviour. These important areas and their implications for safe and reliable interpreting are clearly explained in these chapters, and options for testing interpreter competence are presented.

Chapter 6 deals specifically with languages of lesser diffusion. Being able to put speakers of all languages on equal footing in legal venues is a major challenge. In this chapter, approaches to identifying and qualifying interpreters for languages that are only required occasionally in court and for which there are no formal training programs are presented. Four phases are outlined: identifying candidates who can be trained and tested, providing training and mentoring for these interpreters, developing evaluation tools to measure their proficiency and skills, and instructing legal personnel as to

how to best work with LLD interpreters. Methods for evaluating untested interpreters for immediate use are also explored.

[Chapter 7](#) deals with the application of new technologies to the field of LI testing and certification. Videoconferencing and remote interpreting are becoming a reality and have the potential to offer effective solutions to some of the thorniest issues facing the profession. In this very informative chapter, the different options related to using ICT in testing are presented in detail with a concise discussion of the advantages, challenges, and appropriate applications. Case studies are presented together with useful lists of vital points and recommendations. The chapter gives a realistic glimpse into the future when remote interpreting, training and testing will become commonplace. This rather long chapter is easy to read and provides a wealth of information in one of the most promising areas of EU collaboration and cooperation.

[Chapter 8](#) explains in a concise and bulleted fashion the myriad administrative details that must be taken into account when setting up a testing or certification scheme. Ensuring that administrative, organizational and operational issues are appropriately dealt with is important since faulty procedures can invalidate even a well-designed test. The steps that need to be taken are classified as pre-testing, testing, and post-testing and include issues such as planning and publicising the test, creating a candidate handbook, establishing rules and regulations, evaluating test sight preparedness, covering staffing needs and reporting results. The importance of adequate security measures from start to finish is also discussed.

[Chapter 9](#) provides a brief profile of each Member State as regards current practices in the provision and regulation of legal interpreting services. The information gathered includes current legislation governing interpreting services, the existence of national or regional registers, and procedures for the certification or qualification of LIs, if any. The findings show the great range of approaches that currently exist, from Member States with testing and certification schemes in a large number of languages to those that have no certification schemes of any kind. In addition to the individual country profiles, the report also includes component analyses and conclusions using a pan-EU approach.

Finally, a series of documents and links of interest are provided in the [Appendices](#) which complement the information provided in the different chapters of this book.

1. SOME CONSIDERATIONS ON THE TESTING OF INTERPRETING SKILLS

Hanne Skaaden and Cecilia Wadensjö

The overall aim of the Qualitas Project is to achieve quality communication in legal systems that are in need of interpreter services. In addition to accommodating the relevant context for interpreting, this entails engaging interpreters with documented interpreting skills. The activity of interpreting rests on a multitude of sub-skills, each of which is quite complex. Accordingly, the testing of such skills may present the test administrators with reliability and validity issues. Are the tests equal to all candidates? Are they testing the skills they are supposed to test? The aim of this section is to draw attention to some general and specific challenges associated with the testing of interpreting skills, i.e. in short, the ability to coordinate and render in another language other persons' talk (Wadensjö 1998).

INTERPRETING SKILLS

Most experts in interpreting would agree that interpreters need *interactional skills*. What does that mean? In an article reviewing research on performance-based language assessment, McNamara (1997) explores what authors mean by the notion of *interaction*. He finds that the term 'interaction' has featured strongly in works on language testing but mostly in a loosely psychological sense, referring to various kinds of mental activity within a single individual. To some extent, 'interaction' has also been used in a social and behavioural sense. The latter approach implies that the basis for the evaluation of interpreters' performances must be the *joint* behaviour *between* the interpreter and other individuals involved in the same encounter. Applying this view on role-play tests of interpreters also implies underlining the importance of examiners' awareness of the social (and institutional) character of tests (for a detailed discussion, see Wadensjö, 2014).

The ability to grasp what is said in one language and immediately render it in another language without falling into the trap of translating word-by-word is a core skill in interpreting. This includes the ability to quickly grasp the meaning of what is said, while at the same time keeping a distance from the specific wording of the utterance, and then render that meaning within the conventions of another language. Obviously, this requires a high level of proficiency in both languages, what is often referred to as bilingual proficiency. There are many definitions of *bilingualism* related to various academic traditions, cognitive linguistics (e.g. Romaine 1998), and sociolinguistics or socio-political research (e.g. Heller, 2007).¹ Describing bilingualism falls outside the scope of this report, but by any definition, an individual's self-identification as 'bilingual' does not guarantee the individual's ability to perform interpreting. Aspiring interpreters may think of themselves as proficient in one, two or several languages. However, the results from the assessment of aspiring interpreters clearly indicates the need for testing (cf. e.g. Wallace 2013). Screenings of individuals who have experience working as interpreters in the legal system indicate that self-judgement is an insufficient measure. In Norway, 60% of the candidates who sat a simple lexical knowledge test failed (Skaaden 2003). Similar tendencies were found in testing carried out by *Kammarkollegiet*, the Swedish certifying agency. The testing of interpreting skills must include not only proficiency tests in the relevant languages but also the controlled, combined use of these languages.

Bilinguals commonly engage in *code switching*, i.e., they use elements within the same conversation, utterance, or sentence, or even within a phrase or word, that can be identified as belonging to various languages. Code switching may be intentional or unintentional and may occur for social, contextual or psycholinguistic reasons. In some sense, the activity of interpreting may be considered as a sort of wilful, socially prompted (and in trained interpreters somewhat automated) code switching, based on the interpreter's ability to keep his/her languages apart when producing speech. This ability can be considered a linguistic skill of basic importance for interpreters. Novice interpreters and interpreters in stressful situations, such as exams, typically fail to achieve this.

In the literature, the ability to render in another language has been referred to as 'transfer skills'. However, the notion 'transfer' is not commonly used any more due to the fact that it reflects *the conduit model of language and mind* (Reddy 1979). Applied to interpreting, the conduit model would

1. For an overview of different approaches and issues within the study of bilingualism, see e.g. Wei 2000.

indicate that interpreters, when performing, ‘transfer’ some kind of separate, freely existing units from one “location” to another. Detailed analyses of talk in interaction clearly show the impact of reciprocity on participants’ understanding of linguistic units. A transfer image of the activity of interpreting falls short of capturing the interactive and contextual aspects of language and sense-making in general, and thus neglects the complexity of this activity.

In sum, interpreting requires the mastery of multiple and complex skills, including language knowledge. In practice, language knowledge is in itself a complex matter, comprising different kinds of proficiencies. Only in theory can these proficiencies be teased apart. Indeed, the identification of various types of language proficiencies or sub skills is of the essence in any testing of language knowledge.

LANGUAGE KNOWLEDGE – A DYNAMIC PHENOMENON

In actual practice, an interpreter exercises discretion in a number of situations that are unique, although they may resemble each other in type. Hence, an interpreter, like other professionals, performs what the sociologist Donald Schön (1987) called *reflection in action*. In the present report, *interpreting skills* refer to “knowing how” i.e., the ability to perform, as opposed to the *declarative type of knowledge*, as in “knowing that”. It goes without saying that *knowing how* is the central type of language knowledge when it comes to testing interpreters for accreditation as well. However, the term “language knowledge” is used to refer to both declarative and procedural types of knowledge, e.g. by Bachman & Palmer (2010) in their book *Language Assessment in Practice*. They sort out the following areas of language knowledge:

- I. *Organizational Knowledge* (how utterances or sentences and texts are organized)
 - a. *Grammatical Knowledge* (how individual utterances or sentences are organized)
 - i. Knowledge of vocabulary
 - ii. Knowledge of syntax
 - iii. Knowledge of phonology/graphology
 - b. *Textual Knowledge* (how utterances or sentences are organized to form texts)
 - i. Knowledge of cohesion
 - ii. Knowledge of rhetorical or conversational organization
- II. *Pragmatic Knowledge* (how utterances or sentences and texts are related to the communicative goals of the language user and to the features of the language use setting)

- a. *Functional Knowledge* (how utterances or sentences and texts are related to the communicative goals of language users)
 - i. Knowledge of ideational functions
 - ii. Knowledge of manipulative functions
 - iii. Knowledge of heuristic functions
 - iv. Knowledge of imaginative functions
- b. *Sociolinguistic Knowledge* (how utterances or sentences and texts are related to features of the language use setting)
 - i. Knowledge of genres
 - ii. Knowledge of dialects/varieties
 - iii. Knowledge of register
 - iv. Knowledge of natural or idiomatic expressions
 - v. Knowledge of cultural references and figures of speech (Bachman & Palmer, 2010, p. 45)

As is indicated by the above list, language proficiency is a highly complex phenomenon, resting on a number of organizational and pragmatic skills. The ability to interpret thus involves the mastery of grammatical, textual, pragmatic and functional knowledge in combination with other interactional skills. Accordingly, the language knowledge interpreters need to have is not identical to the language knowledge acquired in a language class. At the same time, no standardized methods for testing bilingual proficiency exist, since functional bilingualism relies on several factors and is, as pointed out by Romaine (1998), always a matter of degree. Moreover, an individual's biography alone does not give clear indications of his or her linguistic abilities. Finally, the concept *native language* is not a clear-cut category for the bilingual speaker. The issue of who can be categorized as a native speaker of a given language may differ depending on the criteria used and on whether identification is made by the speaker him/herself or by others.

A bilingual person's proficiency in two or more languages is typically *domain related*. As pointed out by Romaine (1998, p. 18), this is particularly true for lexical knowledge, which depends on the person's previous experiences within different language domains. Furthermore, an individual's general language profile may change during his/her lifespan depending on migrational biography, age and health. Increased use or contact with a language may add to a person's proficiency and control over this particular language, just as diminished use may result in reduced proficiency. *Language attrition* seems to primarily affect language production and the ability to retrieve specific vocabulary. However, speakers undergoing language attrition in their first or second language may experience reduced control at all

linguistic levels (for further reading on these issues see Altenberg 1991, Skaaden 1999, Schmid 2011). Consequently, language attrition may take its toll on the bilingual profile of long-term migrants. Accordingly, for potential interpreters, the equal testing of their proficiency level in *both* working languages is necessary.

WRITTEN AND ORAL TESTING

No doubt, all the areas of language knowledge listed by Backman & Palmer (2010, p. 45) have relevance for interpreters, but given that interpreters first and foremost need to understand and produce *talk*, oral proficiencies seem to be the most important and are therefore the skills that primarily require testing for the profession of interpreting. Nevertheless, and partly for practical reasons, many language proficiency tests used to screen interpreters include written parts. In fact, some of them exclusively test written language skills.

The testing of linguistic skills is, in and of itself, a complex endeavour. Bachman and Palmer (2010) illustrate that current experience in language testing is overwhelmingly based on the written form of language. One reason for this state of affairs may be that written tests are considered easier to administer and rate than oral tests and are also considered less expensive to administer. In her review of methods for the testing of interpreter aptitude, Moser-Mercer notes that written translation tests “often serve as a first hurdle before the candidate is admitted to the oral part of the aptitude test” (1994, p. 62). She simultaneously points to skills needed in interpreting that cannot be tested through written translation, e.g. speed of comprehension, memory capacity, stress tolerance, voice and diction. One could convincingly argue that written tests fall short of testing the core skills needed for the activity of interpreting, since the ability to understand and produce speech is different from the ability to understand and produce written texts.

An additional problem with the written form in the testing of interpreters is that written language standards often differ from spoken language conventions. Moreover, not all languages and not all varieties of largely diffused languages, such as Arabic, Spanish, English and Chinese, have unified standardized written forms, an issue we return to shortly.

Finally, the dominance of tests based on written standards can be linked to the technical challenges involved in producing and distributing reliable oral test material. In view of contemporary technical resources, this challenge is minimized. High-quality, valid oral tasks material can be cost-efficiently administered and rated. New technologies also open possibilities for extensive remote and on-line testing (see [Chapter 7](#)). It should be stressed,

however, that on-line solutions cannot fully replace face-to-face interaction in the testing of all interpreting modes.

GENERAL CHALLENGES IN THE TESTING OF LANGUAGE SKILLS

In their textbook on *Language test construction and evaluation*, Alderson, Clapham, & Wall (1995, pp. 16-17) hold that “[e]very test is an operationalisation of some beliefs about language, whether the constructor refers to an explicit model or merely relies upon ‘intuition’.” They also stress that when it comes to the testing of linguistic skills “it is quite possible for a test to be reliable but invalid” (p. 187). For instance, while a multiple choice test may be highly reliable, performance on such a test reveals limited information about the candidate’s ability to actually perform interpreting.

Evidently for the testing of interpreting skills, an applicable test type is the so-called *performance test* (also called “authentic test”), i.e., a test that aims to assess “the ability of candidates to perform particular tasks, usually associated with job or study requirements” (Davies, Brown, Elder, Hill, Lumley, & McNamara, 2002, p.144); in other words, tasks that aim at reflecting the activity that the candidates are expected to perform in the real world.

The assumption in many rating schemes is that rating category labels are clear and explicit and that the rating process therefore can be made objective. However, as pointed out in this chapter, testing reality is complex, both in terms of the overall testing of interpreting skills and in terms of the testing of the activity’s sub-skills. Reasonably, examiners are better prepared if it is acknowledged that there always will be a significant degree of chance in the rating of human abilities. Tim McNamara, a researcher and constructor of performance-based tests of English as a foreign language, addresses this issue in his textbook on language testing. An important way to improve the quality of assessment schemes, he suggests, is to provide initial and on-going training to examiners, during which individual assessors can test and compare their interpretation of rating categories with other assessors’ interpretations of these (McNamara, 2000, p. 44).

Finally, Bachman and Palmer identify three common misconceptions about language proficiency tests:

1. Believing that there is one “best” way to test language ability for any given situation, and thus having unreasonable expectations about what language tests can do and what they should be.
2. Believing that language test development depends on highly technical procedures and should be left to experts.

3. Believing that a test is either “good” or “bad”, depending on whether it satisfies one particular quality (Bachman & Palmer, 2010, p. 8).

They also formulate alternatives to these misconceptions:

1. First, there is no perfect test for all situations. In any situation there are only alternatives, each with strengths and weaknesses.
2. Secondly, tests need to be developed by people who are competent in language testing and who are most familiar with the situation in which the test will be used.
3. And thirdly, a “justifiable” test, according to Bachman and Palmer (2010, p. 8) is one that is accompanied by a clearly articulated Assessment Use Argument (AUA). An AUA is “a conceptual framework for guiding the development and use of a particular language assessment, including the interpretations and uses we make on the basis of the assessment [...] will include the following elements: data, claims, warrants, backing, rebuttals, and rebuttal backing” (2010, p. 99). Bachman and Palmer emphasize that the way these elements are stated “determine the extent to which we can justify the intended uses of the assessment to stakeholders” (2010, p. 11). Moreover, AUAs must, among other elements, include assessment records such as scores and descriptions which are consistent across different tasks and groups of test takers (2010, pp. 158-161).

SPECIFIC CHALLENGES IN ADMINISTERING INTERPRETING TESTS

The testing of interpreting skills presents any test designer with challenges regarding task construction and rating consistency due to the fact that a number of assessor teams must be involved in order to cover all necessary language combinations. Moreover, additional challenges having to do with the complexity of the phenomenon of language itself can be identified in setting up a fair testing system for the screening of potential interpreters. The aim of the following paragraphs is to single out some of the factors that represent additional challenges for a testing regime that aims at equal testing for interpreter candidates in potentially all language combinations needed.

MULTIPLE LANGUAGE COMBINATIONS AND THE NEED FOR ANCILLARY ASSESSORS

The concept *languages of lesser diffusion* is sometimes used to describe specific challenges in the testing of potential interpreters. What does this concept mean? The delineation given by Roat (2012) may serve as our vantage

point: “A language that has relatively few speakers in a defined geographic area.” Hence, Roat continues, “Somali is a language of lesser diffusion in Arizona, but not in Minneapolis. German is a language of lesser diffusion in Seattle, but not in Chicago. Nuer is a language of lesser diffusion everywhere in the U.S. Most new refugee groups speak languages of lesser diffusion in their new home cities.”

In fact, the concept *languages of lesser diffusion* refers to a plethora of challenges involved in the testing of bilingual speakers and of potential interpreters in particular. As indicated by Roat’s delineation, languages of lesser diffusion are those languages that have *recently arrived in an area* (e.g. Karen in Europe, Dutch in Norway etc.). Hence, the particular problem that these languages represent to any testing system is related to the challenge of finding individuals who are qualified to assist in the design and administration of certification processes, and who can serve as assessors in the testing process. One option would be to *share assessors* across states. This may be a viable solution in North America and Australia, where one of the interpreter’s languages always will be English. The strategy is less applicable in Europe because of the linguistic diversity between the states, even if some of the European languages are *pluricentric*, i.e. are spoken by a large population in more than one country. To some extent, a *lingua franca* may be used between countries, as is the case, for example, between the Scandinavian countries. However, most European countries have their unique official languages (see [Chapter 9](#)).

One option is to train native speakers of the minority language who also speak the majority language, to act as ancillary assessors. Routines must then be developed for the instruction and guidance of the ancillary assessors as well as for their cooperation with the regular staff and test administrator throughout the process of test design, administration and assessment. The experience garnered in Norway and Sweden indicates that it may be recommendable to hire persons for the ancillary assessor function who are proficient in the language, but who do not work in the interpreting market themselves. In a close-knit language community, issues of competition and legal incapacity soon arise in relation to the choice of bilingual co-workers and ancillary examiners. Test reliability will to some extent depend on the success of the cooperation with the bilingual co-workers in both the test design and assessment phases. To ensure that test routines are understood in a similar fashion by different teams and across language combinations, they should, as a rule of thumb, be made as simple as possible (Skaaden, 2013).

In addition to the aspects just mentioned, the same languages may represent a number of specific factors, which imply challenges to test reliability.

The remainder of this subsection sorts out some of these factors. That is to say, factors, which by their nature are not specific to so called “languages of lesser diffusion”, but rather pertain to language variation.

LANGUAGE VARIATION: CONVENTIONS AND STANDARDS

The general applicability of written tests in the screening of interpreters is a comprehensive issue linked to what Linell (2005) has described as “the written language bias in linguistics.” This issue cannot be addressed in detail in this section. It should be emphasized, however, that for certain language combinations, written tests are less applicable than for languages with an officially settled and unified written standard. Since some sort of script is necessarily involved, even in oral tests, in order to assure reliability, particular caution must be taken in testing for languages in which the following factors are at play:

- a. *Languages in an early phase of standardization:* For languages that are still in their early phases of standardization (e.g., Romani varieties, Kurd varieties), the written language bias may turn out to be an additional challenge in reaching reliable results and fair tests since there may be differing opinions among test designers, assessors and other stakeholders on what represents an appropriate task item or an acceptable solution.
- b. *Languages for which there are multiple varieties or multinational standards:* Seldom do language borders coincide with those of states. Hence, the problem arises as to which variety to test for, e.g., in the case of Sorani in Iran and Iraq; Swahili in Tanzania and Congo; Portuguese in Africa, Brazil and Portugal; Albanian in Albania, Macedonia and Kosovo etc. The challenge is also linked to languages that serve as a standard language in several different states. A number of languages are *pluricentric*, i.e. spoken in a number of societies, divided by geographical or political borders, as is the case with Arabic, English, Igbo, Spanish, Swahili, etc. Accordingly, multiple conventions and even multiple standards have developed.
- c. *Languages in which there is a high degree of distance between oral and written conventions:* A problem for testing arises when the standard language is very distant from the spoken convention(s), as is the case of Arabic or Urdu/Punjabi, for example. These factors are related to linguistic variation in general and the diffuse distinction between language and dialect.

For a test to be equally fair for all, candidates should, in principle, encounter tasks and assessors representing the convention that is most familiar to them. This is, of course, a requirement that, in practice, is difficult to adhere to. In cases like those just mentioned, this may imply the need to develop several editions of a test for one language so that candidates can choose whether they want to test for e.g., Portuguese of Africa, America or Europe.

In sum, given the complex nature of the skills that need to be tested in interpreting, as well as the convoluted nature of psychometrics as such, this chapter has pointed to aspects that must be taken into consideration in the design and administration of tests that aim at predicting interpreter aptitude. Finally, it should be kept in mind that any test has both potential and limitations.

2. PRINCIPLES OF TESTING

Roelof van Deemter, Hilary Maxwell-Hyslop, Brooke Townsley

This chapter identifies and explains some of the key testing principles that inform the development of a legal interpreting test. Areas covered include the test construct, performance-based assessment, test validity, test reliability, scoring methods and screening. An example of a test specification is also given at the end of the chapter.

THE TEST CONSTRUCT

Before setting out to design a testing instrument, developer(s) must have a clear definition of exactly what is to be tested. This definition of what a test seeks to evaluate is referred to as the *test construct*. The Qualitas Project has set out to provide a template test construct for legal interpreting by defining the minimum set of competencies that an interpreter working within the different criminal justice systems of the EU Member States must possess and the levels of competence at which these skills must be performed. This test construct is intended to form the foundation for the construction of legal interpreter tests by different test developers in different Member States.

The minimum set of skills that are tested in this construct are the oral interpreting skills of dialogue and simultaneous interpretation and oral sight translation. This proposed test construct is not prescriptive, however. Test developers in different countries, mindful of the existing conditions for legal interpreting in their own area, may identify additional skills that they need to add to the construct, for example consecutive interpreting of longer utterances, bi-directional oral sight translation, written translation, or interpreting via video-link. As long as the minimum test construct defined in the following chapter is not compromised, it is entirely possible

for additional elements to be added to meet the requirements of different domestic jurisdictions.¹

PERFORMANCE-BASED ASSESSMENT

Interpreter testing should in essence be a type of *performance-based* assessment. Performance-based assessments involve the demonstration of the skills deemed relevant for job performance in the real world. The challenge for test setters developing performance-based tests is how to collect samples of a candidate's work. In the case of legal interpreting, the use of interpreting role-plays to collect samples of work for evaluation provides a good compromise between the demand for authenticity and the need for controlled test conditions. In a well-structured role-play, candidates can demonstrate their use of the competencies indicated in the test construct, prior to practising them in 'real-life', when certified as 'fit to practise'.

Test developers should be aware, however, that performance-based testing using interpreting role-plays favours an in-depth assessment of an interpreter's performance, but not of their wider contextual knowledge. Care should be taken, therefore, to ensure that test components (role-plays, sight translations, simultaneous tests) are set in different legal contexts in order to achieve a sufficient breadth of coverage of settings and language.

TEST VALIDITY

Test validity is a measure of how successfully a testing instrument addresses the test construct. A valid test will be closely aligned to the test construct and will reliably measure the elements of the test construct being examined.

A legal interpreting test also needs to have *construct validity* and *predictive validity*. In other words, it should reliably measure all the elements of the test construct and only those elements (construct validity). The test should also be able to predict, to some degree, performance outside of the testing environment (predictive validity). Any claims regarding the aforementioned types of validity must be grounded in evidence.

The overall *face validity* of a test is a measure of how far a test is viewed by stakeholders (candidates, society at large) as an accurate assessment of skills. Without face validity, a test may lose credibility and the support and participation of key sectors of society.

1. If pre-test screening of candidates is implemented, then candidates' language proficiency, knowledge of the legal system and knowledge of the code of ethics might also be tested.

TEST AUTHENTICITY

Test authenticity is a measure of how far a test resembles the real world situations that the test is orientated towards, while *task authenticity* is a measure of how far the constituent tasks of the test resemble real world challenges (Angelelli 2009). Test and task *authenticity* contribute to overall test validity, because a test that consists of unrealistic testing elements that bear little relation to the real-world skills being tested will lack face validity.

TEST RELIABILITY

Tests need to be as consistent as possible, regardless of the language of the test, test version, location or assessor. In other words, the test needs to be repeatable on multiple occasions, in different languages, with different testing teams and with different candidates, and still produce reliable results. The degree to which measurements in a test are consistent is referred to as *test reliability*.

Everyone involved in the design and delivery of a legal interpreting test has a contribution to make towards reliability, and what may appear to be small details in the design, conduct, location or rating of the test can affect the test in ways that may cause it to become unreliable. These shifts in the conduct or outcome of the test are referred to as *reliability threats*.

When designing the test, test developers have to make strategic choices about how to balance demands for test and task authenticity and the need to avoid reliability threats. A high degree of test and task authenticity in the test may constitute a reliability threat, which in turn impacts on the face validity of the text. This contradiction is encountered when scripting interpreting role-plays for use in the interpreting test. An important feature of spoken interaction is how each turn of speech in a dialogue affects the communicative choices of the speaker who follows. As an exchange of talk develops, a speaker's responses are conditioned by the utterances of the previous speaker. These responses are, of course, neither pre-set nor entirely predictable, and the exchange of talk between the two speakers may develop in entirely unexpected directions.

Reflecting this feature of dialogue in an interpreting role-play will contribute to task authenticity, but it presupposes freedom on the part of the role-players to choose their own words based on the development of the communicative exchange. This will impact test reliability. If role-players choose their own responses, each sitting of the test will be different and it will no longer be possible to claim that each candidate receives the same test materials. On the other hand, if a fully scripted role-play is used in which

each turn of speech is pre-set, test reliability will be improved but test and task authenticity will be reduced (see Chapter 3 for further discussion).

Whatever compromise test developers eventually reach as regards authenticity and reliability, they must take care to ensure that the test materials contain genuine legal discourse that reflects the tempo, thought structures and communicative styles used in judicial and/or police settings. These materials will therefore include examples of the frozen registers, stylized forms of address and convoluted syntax that are common in legal discourse. At the same time, examples of the colloquial speech used by witnesses and defendants, along with features of natural extempore speech behaviour (hedges, pauses, false starts and self-correction), need to be represented.

RATING METHODOLOGIES

Test developers face further choices at an early stage in test development between *analytic* or *holistic* scoring and *criterion-referenced* and *norm-referenced* testing methodologies. These concepts are explained below.

Analytic scoring has been defined as “a method of subjective scoring often used in the assessment of speaking and writing skills, where a separate score is awarded for each of a number of features of a task, as opposed to one global score [...]. In speaking tests, commonly used categories are pronunciation or intelligibility, fluency, accuracy and appropriateness” (Davies, Brown, Elder, Hill, Lumley & McNamara, 1999). In the type of analytic scoring approach shown below, points are awarded for correctly rendering pre-selected scoring units. Conversely, points may be taken away for incorrect renditions. Usually a specified number of scoring units are identified which reflect the domains or specific skill areas that are to be tested according to the test construct and specifications. Decisions are made as to how much weight to give to each domain (number of items on the test) and how to test them. For example, in order to test a candidate’s ability to reformulate information correctly in the target language, a specific term or phrase can be included that, if rendered using a false cognate, calque or word-for-word approach would indicate the inability to avoid inappropriate language interference. Omissions, insertions, register shifts, inaccurate rendition of information such as numbers and proper names, grammatical, structural, lexical or pronunciation errors, stylistics, accuracy and completeness all need to be taken into consideration. Furthermore, the impact of an error or “shift” should be measured as well. There are times when omissions are appropriate, insertions are needed, or minor grammatical errors do not affect comprehension and hence should not be tallied as errors when scoring a performance. In

order to achieve uniformity and inter-rater reliability using an analytic scoring approach, lists of acceptable and unacceptable responses for the scoring units are drawn up during the test development stage. Raters are then trained to use the lists and are given instructions as to how to document renditions given by a candidate that have not been contemplated on the lists.

Here is an example of how this approach to scoring is used:

In the following exchange, the scoring units are underlined. Each reflects a specific domain:	
Question: <i>Do you know where the defendant was living <u>on or around</u>¹ the 22 of November of 2013², the day the <u>alleged</u>³ <u>homicide</u>⁴ took place?</i>	Answer: <i><u>Creo que</u>⁵ vivía en una <u>chabola</u>⁶ en las <u>afueras</u>⁷ de la ciudad. (I think he was living in a shack on the outskirts of the city).</i>

Scoring unit 1 tests accuracy. If the candidate interprets this unit as “on”, without the hedge (“or around”), the answer would be incorrect.

Scoring unit 2 tests precision and ability to retain and render specific information correctly, in this case a date. If the candidate takes notes, this is the type of information that should be taken down.

Scoring unit 3 tests the interpreter’s understanding of the importance of rendering all elements of an utterance. A common error is to omit the word “alleged” and just render “the day the assault took place”. The omission of this important legal qualifier would be considered an error.

Scoring unit 4 tests the interpreter’s ability to use accurate legal terminology. Homicide has a specific legal definition and must be rendered accordingly.

Scoring unit 5 tests completeness and attention to detail. A common error is for interpreters to omit “I think” and just render the substantive information: “on the outskirts of town”.

An example of an acceptable and unacceptable list is provided for scoring units 6 and 7:

Term: <i>chabola</i>		Term: <i>afueras</i>	
Acceptable	Unacceptable	Acceptable	Unacceptable
shack	house	outskirts	suburbs
shanty	building	edge of town	by the city
hovel	home	just outside of town	ghetto
hut	someplace		in the country
lean-to	(omission)		in a rural area

An important consideration when using an analytical approach to scoring is that, if an error is made rendering something that has not been marked as a scoring unit, that error may go uncounted. Furthermore, it is difficult using this method to tabulate a candidate's cultural and pragmatic competence, interactional management skills, integration of ethical knowledge, etc. Therefore, designating a certain number of points for the evaluation of these components is advisable.

Another type of analytic scoring approach entails the development of a descriptive performance rubric, or scoring bands, during the test development stage that define performance levels without defining specific scoring units. The rubric can be divided by skill subsets (dialogue consecutive, simultaneous, sight translation, etc.) and, if desired, within those by components (accuracy, grammar and syntax, delivery, etc.). For each skill and each component, a description of different levels of performance must be developed. At the very least, a clear definition of what would separate an acceptable from an unacceptable performance should be developed for each component. Often an expanded scale is used which provides a number of bands for each component which may correspond to categories such as "outstanding", "qualified", "minimally qualified", "unacceptable" and there may be a range of marks within each band. Having more than one passing band may seem unnecessary, but the additional information will be helpful in giving feedback to unsuccessful candidates. It will also allow for information to be gathered as to what skill sets or components of the certification test were passed and which were failed. This is useful information for individual candidates, but also for reviewing the validity and reliability of the testing instruments themselves. An example of band descriptors can be found in [Appendix 1, page 207](#).

Holistic scoring, on the other hand, is "a type of marking procedure which is common in communicative language testing whereby raters judge a stretch of discourse (spoken or written) impressionistically according to its overall properties rather than providing separate scores for particular features of the language produced (e.g. accuracy, lexical range)" (Davies *et al.*, 1999). A purely holistic scoring of a passage of interpretation would allocate an overall score (e.g. a percentage score or grade) based on the rater's impression of the performance as a whole. This approach addresses some of the limitations of the purely analytical approach based on scoring units outlined above. It may, however, lack credibility for test users due to its lack of detailed analysis and dependence on an entirely impressionistic evaluation.

An example of holistic scoring rubrics is shown below. Notice that the rubrics do not specify any numerical scores nor aspects of performance in the performance criteria.

Outstanding	The interpretation reflects a complete understanding of the source language discourse and reproduces all major points and supporting information accurately. The target language rendition is delivered clearly, with appropriate prosodics, pace and pronunciation.
Qualified	The interpretation reflects a good understanding of the source language discourse and adequately reproduces all elements of meaning. Prosodics, pace and pronunciation are acceptable and do not alter meaning in any significant way. Minor errors that do not impact meaning are present, but not frequent.
Unacceptable	The interpretation reflects clear and repeated misunderstandings of the source language discourse, does not relay information completely in the target language, and/or shows an inadequate mastery of the prosodic features of the language that produces a misunderstanding of the original utterance in the target language. Errors of precision, accuracy and completeness are frequent.

Figure 1: Example of holistic scoring rubrics

Raters must be trained in the standards that are to be met when using holistic scoring rubrics. The danger of using this approach is the difficulty involved in achieving inter-rater reliability. Hence, all tests should be recorded for possible review in case of a grievance.

Legal interpreting is a safety-critical activity as incompetent interpreting can have significant repercussions for all parties to a case. It is essential, therefore, that the users of legal interpreters be convinced of the absolute value of the interpreter's certification and their competence in all of the skills required for the role. For these reasons, the use of an analytical scoring approach is recommended in preference to a purely holistic approach. Whatever approach is selected, however, appropriate rater training, standardisation of marking, and test review mechanisms must be put in place.

CRITERION-REFERENCED AND NORM-REFERENCED TESTING

In criterion-referenced testing, test results are interpreted relative to pre-established criteria. This means that each candidate must achieve a minimum score against each criterion (e.g. accuracy, coherence, language use) in order to demonstrate minimum levels of competence. Also, no compensation is made between criteria. A practical result of this is that a candidate may

perform well on one criterion but poorly on another and fail the test overall, despite a good performance in some parts. Criterion-referenced testing does ensure, however, that a passing candidate is competent to a minimum level in all aspects of the test construct.

A further practical consequence of criterion-referenced testing is that it is possible that all candidates may fail in any one sitting of the test if none of them meets the set criteria to the level required. Alternatively, they may all pass. If, in one testing cycle, the quality of individual candidates is particularly good, the pass rate will be correspondingly high; the next year, however, it may be much lower, using the same test construct. Testing teams need to be able to explain the reasons for these apparent fluctuations when challenged by candidates or other external authorities.

Norm-referenced testing produces tests in which the candidates' results are graded by comparing them to the results of other candidates taking the same test (e.g. a class test in school where all candidates are approximately the same age with the same amount of training). This means that the passing grade will fluctuate from one sitting to another, depending on the overall ability of that group of candidates. In a 'good' year, the passing grade will be pushed higher; in a 'poor' year, the grade may come down. It is also the case that, with norm-referenced tests, there will always be a certain percentage of passing and of failing candidates.

Due to the safety-critical aspects of legal interpreting mentioned above, and the need for complete confidence in the qualification scheme, criterion-referenced testing is recommended for legal interpreting tests in preference to norm-referenced testing.

TEST SPECIFICATIONS

Test specifications are a means of standardising the development and the production of different versions of the test across test sittings, tasks and raters. Test specifications:

- guide the design of the constituent tasks of the test,
- provide a framework for review of the test process,
- help ensure continuity in test content and difficulty across multiple sittings,
- support comparability of different versions of the test based on the same testing criteria.

Typically, test specifications will include information about:

- the skills and knowledge to be assessed (the test construct),
- the format of the test, including task types, length of tasks, the lexical and syntactic complexity of tasks and the number of technical terms,
- testing criteria (e.g. accuracy, completeness, delivery),
- the minimum level of proficiency required for a pass in each of these criteria (also known as ‘cut-off’ points).

Test specifications must be in the public domain and easily accessible, for example through posting on an open-access website, so that candidates and the wider public can see exactly what is contained in the test.

Figure 1 on the next page shows a sample of a generic test specification for a legal interpreting test. The exact content of a test specification developed by a testing team will depend on the specifications of the individual test under consideration.

It is the responsibility of the testing team to ensure test validity and reliability by consistent application of the test specifications (the testing team is defined as all those involved in the practical delivery of the test). Therefore, clear instructions must be prepared and delivered to all raters, invigilators, roleplayers and administrative staff.

RATER HANDBOOK AND RATER TRAINING

Raters should be provided with a handbook and training. A rater handbook should include information on:

- the purpose of the test,
- the assessment criteria to be used,
- the content (background) knowledge expected of candidates,
- the scoring process to be used.

Training sessions on the implementation of the instructions are also required to ensure a common understanding of the test specifications, scoring methods and their application. This will promote the avoidance of arbitrary scoring decisions.

Purpose	To measure interpreting ability through a performance-based test
Target population	Practising interpreters wishing to be certified as fit to practise
Minimum level of language proficiency (speaking, listening, reading)	C1-C2 (CEFR)
Mode	Consecutive interpreting, (whispered) simultaneous interpreting, sight translation (uni- or bidirectional)
Format	Three parts: 1) semi-scripted role-play to include consecutive interpreting (minimum and maximum number of words) 2) simultaneous (whispered) interpreting (minimum maximum number of words) 3) sight translation (minimum and maximum number of words)
Roles	2 interlocutors for role-play + 1 rater 1 rater for sight translation All parts recorded
Total length of the role-play	15 – 20 minutes
Length of turns for role-play	Maximum length of turns, maximum number of turns of maximum length for each interlocutor
Sentence length	Pauses for consecutive interpreting after no more than x words
Number and distribution of frequently-used technical/legal terms to be included	Role-play: x Simultaneous (whispered): x Sight translation: x
Context	Criminal justice – different contexts for each part
Time allowances (preparation time)	Sight translation: x
Scoring	Analytic scoring. Assessment criteria: completeness, accuracy, and delivery. Band scores with stated minimum level of proficiency for each criterion and overall.
Register	Semi-formal/formal
Dialect	...

Figure 2: Sample test specification for a legal interpreting test

Raters must be carefully selected and trained to the same standards in order to achieve an acceptable level of *inter-rater* and *intra-rater reliability*. Inter-rater reliability is achieved by ensuring that all performances are evaluated

according to the same criteria and that the outcome does not vary depending upon which rater evaluates a particular performance. Intra-rater reliability is achieved by ensuring that all raters consistently apply the same criteria to every performance that they evaluate. This can be supported by the preparation of scoring guides for raters that include:

- an explanation of the scoring process,
- an explanation of the various performance criteria for knowledge, skills and behaviours,
- an explanation of cut-off scores and passing levels,
- exemplars demonstrating a minimum passing performance at each proficiency level.

Finally, a system should be in place to monitor rater behaviour by mixing previously assessed and new performances. This should include a plan for the monitoring of rater scores by expert staff as well as measures to deal with inconsistent application of the assessment criteria or habitual over-/underrating.

PRELIMINARY SCREENING: SOME CONSIDERATIONS²

Data from countries that have a certification system in place show that the pass rate in the certification test is often quite low. Experience suggests that the main reasons for failure are often either poor mastery of the languages being tested or a lack of knowledge of the legal system and/or the code of ethics that govern the profession. These knowledge and skill subsets are fundamental to success in the certification test and if proficiency in these areas cannot be shown, there is little point in a candidate sitting for the interpreting test. These skills subsets can also be efficiently and cost-effectively evaluated using a screening test format that does not require the resource intensive face-to-face interaction of a performance-based interpreting test (although for language combinations for which there is a very limited number of candidates, this may not always hold true). This preliminary screening process can help identify candidates who have a better chance of being successful on the main test and can save the time and cost of fully testing those who have a limited chance of success.

2. The authors of this chapter and the Qualitas Project would like to thank Šárka Timarová, a research specialist at KHLeuven, for her input on screening, a valuable contribution to the discussion on test design and development.

The basic components of a screening procedure usually include the following:

- testing linguistic knowledge
- testing legal knowledge
- testing ethical knowledge

As one of the most important reasons for administering screening tests is to simplify and streamline the certification procedure, it goes without saying that these tests must be easy to prepare and administer, and they must be cost-effective. In this sense, a useful approach is modular screening. This takes into account each candidate's background in deciding whether s/he must sit all parts of the exam or may be exempted from some portions based on formal training, prior experience or having successfully passed other recognized tests. For example, in relation to linguistic knowledge, if at the screening level general language competence (not legal or technical language) is being tested, candidates with a recognized language qualification or who are native speakers of the language may be exempt from taking this part of the test and only be required to take the parts of the test specifically related to legal language. Careful consideration must be given to the issue of modular screening so that all candidates meet the same requirements.

As a general rule, screening will consist of:

- tests and checks that are more economical to administer outside (and before) the full-scale interpreting test,
- tests that address discrete skills or knowledge sets (e.g. knowledge of the legal system or code of ethics and good practice guidelines),
- tests that evaluate those skills that are a major cause of failure in the main interpreting test ([see section on Abridged or Bifurcated Testing in Chapter 3](#)).

Introducing a screening stage into the certification process offers both advantages and disadvantages.

The advantages are:

- reducing the number of candidates for the full-scale interpreting test,
- minimizing waiting time for an interpreting test (when demand exceeds the capacity of test providers),
- reducing the cost of testing for unsuccessful candidates,

- allowing for separate knowledge subsets to be tested (e.g. legal knowledge, knowledge of the code of ethics, language proficiency) at a preliminary stage,
- providing information that can be used for planning the interpreting tests, i.e. knowing which language combinations will need to be tested, so that interpreting test materials can be developed only as needed,
- providing baseline information about the skills of candidates in language combinations for which there is no full-scale interpreting test.

The disadvantages are:

- introducing another stage into the certification process, which creates an additional administrative burden,
- requiring greater commitment of time and expense from candidates who successfully proceed on to the main test.

CONCLUSIONS

In conclusion, it is important to recognize that no two tests of skills and knowledge will be the same. However, those individuals or entities charged with developing new tests and those asked to review existing tests must make every attempt to ensure that the decisions they make are based on due consideration of the underlying principles outlined in this chapter: developing a valid test construct, using a performance-based approach, checking for test and task authenticity, validity and reliability, and making a considered decision as regards the most appropriate scoring approach to use following a criterion-based approach. Test specifications must be carefully written and a useful rater handbook and rater training program provided. Finally, a decision as to whether or not to include some sort of screening test must also be made. Careful consideration of each of these aspects will produce the desired result of a testing scheme that is valid and reliable and one that is seen as such by all stakeholders.

3. INTERPRETING TEST FORMAT

Juan Miguel Ortega, Annalisa Sandrelli and Brooke Townsley¹

As was stated in Chapter 2, the Qualitas Project has set out to provide a template test construct for legal interpreting (LI). This chapter outlines in more detail the interpreting components of such a test and discusses the pros and cons of different options. Examples from existing certification schemes are provided.

INTRODUCTION

A number of preliminary considerations must be made before designing a LI certification test:

1. Interpreting tests should be performance-based, i.e., they must evaluate the modes and skills interpreters will be using when working in real legal venues. A full version of an interpreter certification test would include all or most of the following components, adapted to the realities of each Member State:
 - a. consecutive interpreting test:
 - i. monologue interpreting test (including note-taking),
 - ii. dialogue consecutive interpreting test, both ways;
 - b. simultaneous interpreting (whispered) test, both ways;
 - c. sight translation test, both ways.
2. Elements that should be taken into consideration when designing each interpreting test are:
 - a. selection of text/speech types,

1. Although this chapter is the outcome of a joint project, “Introduction”, “Sight Translation”, “Some considerations when preparing test materials” and “Conclusions” were written by Juan Miguel Ortega, “Monologue consecutive interpreting” and “Simultaneous Interpreting” by Annalisa Sandrelli, and “Dialogue consecutive interpreting” by Brooke Townsley.

- b. duration of the test (time), text length (number of words) and information density,
 - c. the use of recorded materials or live speakers.
3. Performance criteria for assessment include:
 - a. accuracy,
 - b. quality of the target language rendition,
 - c. fluency in delivery,
 - d. pace and speed of delivery,
 - e. non-verbal language,
 - f. turn-taking and interactional skills, if applicable (dialogue interpreting).
4. A decision has to be made as to whether interpreting competencies are to be assessed separately or in the course of one combined test:
 - a. discrete competency testing,
 - b. combined competency testing,
5. If a full interpreting test with all the above components cannot be organised for a given language combination, setting up abridged tests should be considered.² The suggested minimum components for a legal interpreter certification test include:
 - a. a dialogue consecutive interpreting test, with a whispered simultaneous interpreting test into the Other Language embedded in it;
 - b. a sight translation test into the Other Language.
6. In certain situations, specific interpreting components can be used as a screening test (bifurcated testing).

In this chapter, the specific component parts of the interpreting test are described and some general considerations about different testing approaches with direct implications for the preparation of tests are presented. The information contained in this chapter is complemented by [Appendix 1](#), where sample tests and exercises from different certification schemes are presented.

CONSECUTIVE INTERPRETING

Consecutive interpreting is an interpreting mode used to relay stretches of speech from one language (source language, SL) to another (target language, TL). The SL speaker speaks for some time, whilst the interpreter listens, analyses the information being received, retains the information in short-term memory and (in some cases) takes notes. When the SL speaker pauses, the interpreter takes the floor and reproduces the message in the TL by combining the elements held in short term memory with the information recorded

2. Clients should be duly informed when an interpreter has been qualified using an abridged text.

in the notes (whenever applicable). This mode is used to relay fairly long monologues (monologue consecutive interpreting) and dialogues (dialogue consecutive interpreting). Both modes are used in legal interpreting, with their frequency depending upon the specific judicial system and practices.³

Monologue consecutive interpreting

In legal settings, monologue consecutive (also referred to as “long” consecutive and “one-way” consecutive) is generally performed only from the Other Language into the language of the proceedings, whereas simultaneous whispered is generally performed in the other direction for the benefit of the defendant, victim or witnesses when they are speakers of the Other Language. A possible exception is when interpreting via video link, in which interpreters may find themselves interpreting consecutively both ways (see [Chapter 7](#)).

When dealing with long stretches of speech, interpreters cannot rely exclusively on their memory, especially in legal settings where there is a need for extreme accuracy. Thus, note-taking skills are extremely valuable. However, practices may vary in different countries. The physical environment in which legal interpreters work and the available equipment may have an impact on their ability to use these skills (for example, seating arrangements, the presence of a microphone, etc.). An interpreter’s notes are of a very specific nature, and each interpreter develops his/her own technique. These notes are meant for immediate use to support the interpreter’s memory and therefore they are not suitable for drawing up official records. Interpreters should be allowed to take notes, because this may improve the quality of their work (Schweda-Nicholson 2008, Gillies 2005). Given the nature of legal settings, the authorities may ask interpreters to hand in their notes once they have finished their assignment. It should be emphasized that consecutive interpreting with notes is the only method that ensures a truly accurate rendition on the part of properly trained professional interpreters. Likewise, it is worth mentioning that notes themselves are not the object of the assessment; they are a means to an end, i.e. a support tool for the interpreter when dealing with longer stretches of speech.

Rationale for testing

Monologue consecutive interpreting with note-taking is one of the core interpreting modes that candidates may be tested on. The monologue consecutive interpreting test aims to verify whether candidates have mastered the

3. For a general overview of consecutive interpreting in legal settings, see also Mikkelsen (2000, pp. 70-72).

appropriate supportive strategies, e.g. listening, note-taking, stress management, memory and TL reformulation skills, to produce an accurate rendition of longer stretches of SL speech.

Factors to consider

- selection of text types, duration and length
- using recordings as SL materials vs. using live speakers

Selection of text types, duration and length

The text types to be used in this part of the test must be representative of current needs and practices in legal settings. One of the most common situations in which consecutive interpreting is actually used is when taking a witness' or defendant's statement, i.e. a free-flow narration that goes on uninterrupted for a few minutes. Other frequent scenarios include expert witness testimony in a language other than the court's, which may entail highly specialized terms and references to technical documents. Experts who are called in by the court to testify often provide lengthy explanations, and that is why consecutive interpreting with notes is essential (Mikkelsen 2010).

The duration of the test (in minutes) and length of the monologue (in number of words) should be established in advance by taking into account the professional standards and actual needs of the legal system of each country (see [sample test specification in Chapter 2](#)), and the exercise can be free-standing or part of a role-play. By way of illustration, in Australia monologue consecutive interpreting is tested separately using a text that is approximately seven-and-a-half minutes long while in Belgium, a three-minute monologue is embedded into the general interpreting test.

Recorded materials vs. live speakers

Monologue passages for consecutive interpreting tests may be produced live by a speaker or may be presented to candidates in a recorded form. The two options have different pros and cons.

Using recorded texts:

- provides a certain degree of test standardization, thus increasing test reliability and fairness for candidates who all get the same text (see [discussion of test reliability in Chapter 2](#)),
- makes it easier for raters to compare candidate performances (see [discussion of inter- and intra-rater reliability in Chapter 2](#)),
- is more cost-effective because there is no need to budget for a live speaker,

- makes the testing procedure faster, depending on available facilities. If a language/interpreting lab is available, all candidates can listen to the text and record their renditions at the same time. If no lab is available, candidates must be tested individually. One option is to have one candidate at a time listen to the recorded text in a pre-testing room that is properly sound-proofed and in which notes can be taken, and then go into the examination room to deliver his/her rendition in front of the raters. While that candidate is interpreting, the following candidate can be listening to the recorded passage. The language lab option is faster to administer but requires raters to listen to all the recordings at a later stage; moreover, it does not allow for evaluation of the non-verbal aspects of a candidate's performance. The second option is more time-consuming but allows raters to assess performances in real time and to take into account the non-verbal aspects of this mode of interpreting.

If using recorded passages, raters must make sure that the equipment used (language or interpreting lab) is appropriate, and that the recording is of good sound quality (specific parameters must be established before the test). If there is a high number of candidates and various recordings are used, the same settings must be used when recording each passage to ensure comparability.

Using live speakers:

- requires the certification agency to decide, on the basis of available financial and human resources, whether guest speakers will be delivering the speeches or whether the raters themselves will be doubling up as speakers and raters. Using guest speakers may add to the cost of the test but may add face validity to the test, especially if they come from the legal profession,
- makes the monologue consecutive interpreting test more authentic, but speakers must be trained properly to ensure they deliver the text in the same way each time, to ensure that all candidates receive the same input,
- is more time-consuming because only one candidate can be tested at a time.

Performance criteria

- accuracy (content)
- quality of the TL version (general and specialized language use)
- fluency in delivery

- pace and speed of delivery
- body language (eye contact, posture, gestures...)

Sample script for monologue consecutive test

By way of illustration, [Figure 3](#) on the next page provides a sample monologue consecutive script taken from the Antwerp Legal Interpreter/Translator Certification (GVT)⁴.

Dialogue consecutive interpreting

Dialogue consecutive interpreting (with or without note-taking) is an interpreting mode in which interpreters work in both language directions, i.e. from the Other Language into the language of the proceedings and vice versa to enable two interlocutors with no common language to have a verbal exchange. It is the most widely used interpreting mode in legal settings and is also known as “two-way” or “bilateral” interpreting. In dialogue consecutive interpreting, the first interlocutor takes a turn speaking and then pauses for the interpreter to reproduce the message in the other language. The first interlocutor may then continue or the second one may wish to respond to what was heard and then pause for the interpretation. The interpreter produces renditions of all the turns of speech and constantly switches from one language to the other. An important feature of dialogic interaction is that each speech turn in a dialogue affects the communicative choices of the speaker who follows. A speaker’s responses are not predictable or pre-set and so interpreters must be ready for the unexpected ([see Chapter 2 on test reliability](#)). Depending on the duration and complexity of the turns at speech, interpreters may take notes to aid their interpretation or work entirely from memory. Typical examples of dialogic exchanges in the legal setting are client-lawyer interviews, police evidential interviews and examination in open court (in the latter case, it is worth mentioning that the interpreted version in the language of the proceedings is the one that goes on the record). In dialogue consecutive interpreting, the interpreter has to switch rapidly between languages and make sure that the exchange between the two interlocutors flows smoothly, without too many interruptions. Therefore, familiarity with turn-taking protocols and speech behaviour in the languages and cultures of both interlocutors is vital.

4. The GVT certification exam follows the combined competency testing approach described in this chapter. The long consecutive component is embedded within a single role-play during which candidates are asked to perform dialogue consecutive, long consecutive, sight translation and simultaneous whispered interpreting.

Original text in Dutch	Adapted for oral reproduction in English
<p><i>Ik wens klacht in te dienen voor slagen en verwondingen. Ik kan het volgende verklaren. He- dennacht was ik aanwezig op een fuif in zaal spoed, gelegen Fort VI te Wilrijk. Ik was in het gezelschap van mijn vriend xxxx. Wij zijn samen met de bromfiets van xxxx naar daar gereden. Rond 04.00 uur zag ik dat een vriendin van mij, xxxx, problemen had met een allochtoon, ik ver- moed van Marokkaanse origine. Deze jongen was xxxx aan het lastig vallen. Op een gegeven ogenblik zag ik dat de allochtone jongen xxxx een forse duw gaf. xxxx reageerde op haar beurt met een pint bier in het gezicht van de jongen te gooien. De allochtone jongen reageerde en gaf xxxx een slag in haar gezicht. Ik ben dan tussen- gekomen en heb de jongen weggeduwd. Enkele vrienden van hem kwamen zich dan ook moeien maar buiten trekken en duwen is er verder niets gebeurd. De portiers hebben deze gasten dan buiten gezet.</i></p> <p><i>Toen wij echter een half uur later, 04.30 uur ongeveer, naar huis wilden vertrekken, werden wij aan de bromfiets van xxxx plots omsingeld door zes, zeven jongemannen. Ik herkende de jongeman dewelke xxxx had geslagen. Hij zei me dat ik er bij was. Ik had mijn valhelm al op, vi- zier wel geopend. Plots kreeg ik door mijn open vizier een vuistslag op mijn rechteroog. Ik heb mijn hoofd onmiddellijk naar beneden gedaan en ben direct gaan lopen richting de portiers. Ik heb naar xxxx geroepen dat hij moest volgen. Ik voelde nog dat ik een stamp kreeg in mijn ribben terwijl ik vluchtte.</i></p> <p><i>De portiers zijn dan terug tussen gekomen waarna de groep jongeren is weggegaan. Ik heb dan politie gebeld. Even later hebben uw diensten enkele jongeren aangetroffen. Ik herken formeel de jongeman dewelke mij een vuistslag in mijn gezicht heeft gegeven. Ik duid hem aan. De jon- geman dewelke xxxx een slag heeft gegeven was er niet meer bij.</i></p> <p><i>Ik werd gekwetst aan mijn rechteroog. Ik heb een zwelling onder mijn oog en mijn zicht is niet meer 100 %, is niet meer zoals het hoort. Onmid- dellijke verzorging heb ik niet nodig doch ik zal mij eerstdaags bij een dokter aanbieden en laat u zo snel mogelijk een medisch attest.</i></p>	<p>Let me tell you what happened. I was at this party in X with John, and we had got there on our motorbikes. Now nothing really happened at the party, there were lots of people, it was really a fun party. Now, o.k., there was this rather loud-mouthed Antwerp FC supporters bunch, hooligans really, they were an irritating lot, got on people's nerves with their shouting and singing, but we didn't pay too much attention to them. But at around 4 when we were about to leave, I had gone to the toilet, and when I came back I saw that this girl, a friend of mine, was having trouble with this boy, one of these football guys. He had clearly had enough. He was making trouble, harassing her, and at one point he started pushing her around. The girl then threw a pint of beer in his face, and then he smashed her hard in the face. A terrible blow, really. I grabbed and pushed him away, which was the signal for his mates to start pushing and shoving, but before it all escalated, the bouncers stormed in, pulled us apart and threw these other guys out.</p> <p>Now, about half an hour later, when we left to go home, suddenly six or seven of these guys cornered us and surrounded us. I recognised the guy who had hit the girl and he started shouting that I was done for. His mates grabbed me and my friend, and they started kicking and hitting us and this one guy hit me a real hard blow in the eye. My right eye. Luckily, they were so drunk I managed to run away. I ran back to the party, got a kick in my kidneys as I ran, and asked the bouncers to come and help us. They then intervened, at which point the guys left. But in the meantime they had severely beaten my friend, he was only half conscious and in terrible pain, his face was all smashed up. And they had wrecked our two motorbikes as well. They must have had some iron rods or something with them, because they are really a mess, a total loss.</p> <p>That's why I called you, the police and an ambulance for my friend. I won't let this go, I mean, my friend in hospital, our bikes, I can't see out of my right eye, my back hurts, no, no way. I am sure I could recognize at least some of these guys, if you have any pictures, and I'm sure it can't be too difficult to find them, I mean they were wearing their club shirts and shawls at the party.</p>

Figure 3: Sample script for monologue consecutive test

Rationale for testing

A test of this mode of interpreting should aim to verify interpreting skills (i.e. the ability to translate both ways quickly and efficiently), language switching skills, and whether candidates have mastered the appropriate interaction management skills, e.g. formal introductions, asking for repetitions or clarifications, interrupting, or turn-taking protocols.

The most effective way to test an interpreter's dialogue interpreting competencies is to set up a live role-play with the candidate interpreting for two or more interlocutors. These parties then take part in a simulated interpreting role-play, which is observed and/or recorded for later assessment. Moreover, a dialogue interpreting test may also contain a note-taking component, although, as mentioned earlier, the notes themselves are not to be the object of the assessment; they are a means to an end, i.e. a support tool for the interpreter when dealing with longer stretches of speech. This approach allows raters to assess the interpreter's mastery of dialogue interpreting and also his/her capacity to manage intense inter-personal interaction in real time. Test developers must consider whether there should be an upper limit to the admissible requests for clarifications or repetitions on the part of candidates.

Factors to consider

- using an interactional or standardised approach to role scripting
- using recorded role-plays or live role-plays
- setting, choice of topic, duration of turns, information density

Using an interactional or standardised approach to role scripting

As mentioned above, in dialogue, each speaker's turn is influenced by the previous turn. Reflecting this feature in an interpreting role-play is important, but it presupposes freedom on the part of the role-players to choose their own responses based on the development of the communicative exchange. This requires preparing role-plays that allow the players to select their own responses and follow the logic of the developing exchange. In this case, the role-play will consist, not of a pre-set script, but of a set of conversational prompts for the role-players to use. With sufficient preparation and rehearsal on the part of the testing team, these scripts can generate highly authentic and challenging exchanges. This is referred to in this book as the *interactional* model.

This type of test material fully meets the requirement for test and task authenticity. However, it clashes with two of the key elements of overall test validity: the requirement for a testing instrument that is reliable (produces consistent results on repeated occasions) and consistent (is the same for all candidates on all occasions). If the development of the communicative event is left to the role-players to negotiate on a turn-by-turn basis, the testing team

must be aware of the fact that candidates have not had exactly the same test nor have they been assessed in exactly the same way. This raises questions about the fairness of the test, its reliability and consistency, and could affect the testing instrument's 'face validity' (Angelelli, 2009). (See Chapter 2 for a discussion of reliability, validity and authenticity.)

In Figure 4 (page 50), instructions for the role-players establish the context of the communicative event and provide a guide to the outcomes each player should seek to achieve. The choice of words and the moves in the communicative exchange, however, are left to the role-players to negotiate and is something the candidate being tested must manage during the test.

Given the risks to the test and to face validity posed by the use of interactional testing methods, test developers may decide instead to use a testing instrument that can offer demonstrable uniformity for all candidates across all test sittings. In this case, a fully scripted role-play must be prepared. In this case, each role-player's utterances and responses are set in advance, the length of turns of speech are fixed and role-players are not called upon to improvise. Thus, the course of the communicative event and its content is fixed, validating the claim that the testing instrument is uniform for all candidates at all sittings. This is referred to as the *standardised* model.

Another approach to standardised testing is to identify the domains that are to be tested during the test development stage to ensure that all skills subsets are covered in the test. Scoring units are then identified, and lists of acceptable and unacceptable answers are drawn up and provided to all raters in order to achieve inter-rater reliability. Methods for dealing with responses that are not on the pre-established lists can easily be incorporated into the design.⁵

The main advantage of using a standardised approach to the preparation of the role-plays is its high face validity, given the uniformity and predictability that can be achieved. If challenged to defend it, the testing team can point to the fact that the test is identical at all sittings for all candidates. Test developers will have to make a choice between the two poles of test validity, in terms of reliability, uniformity and test and task authenticity. The final testing instrument will always represent a compromise between these competing demands.

An extract from such a standardised role-play is shown in Figure 5 (page 51). Note how, in this extract, the length of each utterance is delimited by the double forward-slash marks (//). The terminology load of the interaction is also carefully calibrated, with the role-play including a number of semi-specialised terms from the courtroom setting (*advance disclosure*, *bail*, *advise on plea*, etc.). As was explained

5. This is the approach used in the Federal Court Interpreter Certification Exam in the United States. For a complete description of the oral test, see <http://www.courts.ca.gov/documents/written-exam-overview.pdf>

TAPED EVIDENTIAL INTERVIEW ROLE-PLAY ⁶
<p>LOCATION: Custody Suite, Wood Green Police Station</p> <p>PARTICIPANTS: Ivan (24 years old, male, education to age 16, no profession, limited English) Detective Sergeant Rogers Interpreter</p> <p>BACKGROUND: Ivan has been arrested following an incident earlier today outside the restaurant 'Alexei's Place' in Clifton Road, Crouch End. During the incident John Milsom was assaulted by Ivan and seriously injured. Ivan has been arrested on suspicion of assault occasioning actual bodily harm. He is being interviewed under caution by Detective Sergeant (DS) Rogers at Wood Green Police Station. Ivan does not deny that he hit Milsom, but he does deny responsibility for causing his injury, pleading self-defence.</p> <p>Detective Sergeant Rogers: Your task is to conduct the interview with Ivan. Through your questioning, you want to establish the exact details of what happened, where, when and why. You need to understand the background to the attack: why were Milsom and Ivan fighting? You also want to establish whether Ivan planned the attack in advance and why he was carrying an improvised weapon when he went to meet Milsom. You suspect that Ivan launched an unprovoked assault on John Milsom and that he struck him with the improvised weapon (a wooden chair leg) with the intention of causing injury. You want to establish beyond doubt that Ivan wanted to hurt Milsom when he hit him and that this attack was pre-meditated. (Ensure that you start the interview following the 'Aide Memoire to Interviewing Officers' provided).</p> <p>Ivan: You are going to be questioned by Detective Sergeant Rogers. Listen carefully to the questions asked by DS Rogers and try to answer them as fully as possible. Use the information in 'Ivan's Story' to construct your answers to the questions. Remember, you are being accused of a serious criminal offence, which could lead to a substantial prison sentence. This is your first opportunity to give your account of what happened between you and John Milsom, and you are anxious to get your side of the story across. You do not deny that you and Milsom had a fight or that you hit him with a wooden chair leg. You insist, however, that you did not start the fight and that you did not plan in advance to attack Milsom. You want to explain that you only took the chair leg with you to defend yourself if Milsom attacked you, and that you thought he might become violent. Also, you only hit Milsom with the chair leg when you thought he was about to pull out a knife and stab you.</p>

Figure 4: Sample instructions for a role-play using the interactional approach.

6. Source: Townsley (2004), unpublished teaching material.

above, the players are meant to read the script and not deviate from it, even if/when the candidate fails to translate some important items and/or if certain elements are mistranslated.

Prosecuting solicitor:

I have just handed advance disclosure to my friend and I believe he needs time to discuss the matter with his client. // I will not be objecting to an application for an adjournment, nor will I oppose bail. // I can advise you that the defendant has one previous conviction, but it was for a totally different offence and unless you wish to see it I don't intend to offer it. // He was bailed by the police and has responded to that bail.

Defending solicitor:

Yes madam, I do apply for an adjournment. Having just received advance disclosure, I need to discuss the case with my client, examine the evidence and advise on plea. // I also need time to make an application for legal aid. Two or three weeks would suffice. // I do apply for bail and I am obliged to my friend for so fairly presenting the prosecution's view on that matter. // My client has a fixed address where he has lived for the past six years and he has a steady partner. // Perhaps, under the circumstances, you would grant unconditional bail (UK College of Legal Education, 2011).

Figure 5: Sample role-play using the standardised approach.

The decision whether to choose an interactional or standardised approach to the role-play test materials needs to be taken at an early stage of the test preparation process. In the end, however, the decision may be dictated by the function of the test itself. If the instrument is being used for an in-service quality check or as part of a training programme, where the focus is on an interpreter's interactional skills (for example, management of turn-taking protocols, proxemics, kinesics and vocalics), an interactional approach may be appropriate. If, however, the instrument is being used for certification purposes, and in effect acts as a 'gate-keeper' to the profession, with the concomitant impact on a candidate's employability, uniformity of test materials and methods across all test sittings is important. Hence test developers may want to opt for a standardised approach.

Using recorded role-plays or live role-plays

As explained above, the recommended approach to a dialogue consecutive interpreting test is a live role-play. However, in some situations, budget, administrative or time constraints may prevent this. In this case, role-plays can be video-recorded and administered to candidates in a language/interpreting lab. The two options have different pros and cons.

Live role-plays require a minimum of two speakers and are time-consuming given that only one candidate can be tested at a time. The recommended course of action is to employ properly trained native speakers of the two languages (members of the legal profession, actors or community members). Alternatively, the raters themselves can play the two roles in which case it is recommended that the candidates' performances be video-recorded and assessed at a later stage, as simultaneous role-playing and assessing can be taxing. Video-recording is recommended so that the non-verbal aspects of candidates' performances can be evaluated (see [Chapter 7](#)).

When using recorded role-plays, raters must make sure that the equipment (language or interpreting lab) is appropriate and that the recording is of good quality (specific parameters for sound and image quality must be established before the test). As stated earlier, turn-taking and dialogue management skills cannot be tested when using recordings. Clearly, using recorded material is more cost-effective, because there is no need to budget for live speakers who will need to be present for several days. The cost of producing video-recorded role-plays may be lower, depending on the number of candidates and languages tested. Moreover, using recorded videos as source material for dialogue interpreting tests makes the procedure faster, because all candidates can take the test at the same time and record their renditions in a language/interpreting lab. Finally, using recorded scripted texts standardises the test-taking process, which cuts down on candidate complaints and makes it easier to set and defend cut-off scores and performance points.

Setting, choice of topic, duration of turns, information density

The topics to be used in a dialogue consecutive interpreting test must be representative of current needs and practices. Likewise, the duration of the test (minutes) and length of turns (number of words) must be established in advance by taking into account professional standards and the legal system of each country. By way of illustration, some guidelines used in a selection of existing certification schemes are provided in [Figure 6](#).

Performance criteria

- accuracy (content)
- quality of the TL: general and specialized terminology
- fluency in delivery
- pace and speed of delivery
- turn-taking skills
- interactional skills (requests for clarifications, repetitions, etc.)
- body language (eye contact, posture, gestures...)

Country / scheme	Duration (min)	Length (# of words)	Words per turn	Material	Register
Australia / NAATI	10	400	60	NA	N/A
USA / FCICE	15-18	800	NA	Recorded (conversational pace). Transcripts from direct or cross-examination of a witness during trials.	Texts include examples of lower register speech, including profanity and idiomatic usage.
UK / DPSI	30 overall (2 x 15 including 5 each way for whispered)	1,000 -1,100	NA	Live role-plays topics available on-line.	Sample role-play texts available on-line. Register can span the whole range from legal (obligatory) to colloquial/ slang (optional).
USA / CLAC	22-30	NA	1 up to 50	Recorded transcripts of official court proceedings: general legal concepts and procedures, with different levels, stages and types of proceedings and legal subjects.	Avoid specialized, arcane, or highly technical discourse.

Figure 6: Dialogue consecutive interpreting test overview within NAATI (National Accreditation Authority for Translators and Interpreters), FCICE (Federal Court Interpreter Certification Examination), CLAC (Council of Language Access in the Courts, formerly the Consortium for State Interpreter Certification Exam) and DPSI (Diploma in Public Service Interpreting)⁷.

7. For a complete description of these certification schemes and their test components see: NAATI (<http://www.naati.com.au/testing.html>), FCICE (<http://www.ncsc.org/sitecore/content/microsites/fcice/home/About-the-program/Examinee-Handbook/4-The-oral-examination.aspx>), CLAC (<http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/Written-and-Oral-Exam-Resources.aspx>) and DPSI (http://www.iol.org.uk/qualifications/exams_dpsi.asp).

Sample script for dialogue consecutive interpreting test

By way of illustration, a sample dialogue consecutive script taken from the Diploma in Public Service Interpreting (United Kingdom)⁸ is presented below. In Appendix 1, more samples of certification test scripts are presented, together with their rating scales and rubrics.

CANDIDATE'S PROMPT NOTES *Candidates have five minutes to study these notes*

You are asked to interpret on two occasions. It is essential to interpret accurately and fully, demonstrating a professional and confident manner, including objective understanding of the cultures and conventions involved.

At the beginning of each role-play, it will be assumed that the participants have already been introduced to each other and the interpreter's role has been explained.

In the process of the role-play the interpreter will be expected to intervene appropriately if and when necessary (for example to ask for clarification or to alert the parties to a missed cultural inference) and to explain in both languages why s/he is doing so.

CONTEXT: A shopkeeper accused of the offence of handling stolen goods seeks advice from a solicitor. Interlocutor i) English-speaking solicitor; Interlocutor ii) Other Language-speaking client

ENGLISH-SPEAKING SOLICITOR'S PROMPT NOTES: You are a solicitor meeting with a shop keeper accused of the offence of handling stolen goods who has come to you to seek advice.

OTHER LANGUAGE-SPEAKING CLIENT'S PROMPT NOTES: You are a shop keeper accused of the offence of handling stolen goods who is seeking advice from a solicitor.

DIALOGUE CONSECUTIVE INTERPRETING SEQUENCE

1. Solicitor Hello. I'm the criminal law practitioner here. // I always find that by far the best method of advising a client is face to face. I do, as it happens, have a number of important questions for you.

1. Client *Well, there are certain things about my case which will need to be handled very carefully. // It's a delicate situation and if it goes wrong it's likely to prove extremely embarrassing for me. // I'm in business you see, and have a great deal to lose.*

8. This example has been extracted from the DPSI's June 2012 session of its English Law Spanish test. The reproduction of this example has been expressly authorized by the IoL Educational Trust.

2. Solicitor	Well, suppose we start at the beginning. I see from your file that you anticipate being charged soon with the criminal offence of handling stolen goods. // Tell me a little more, please, about your personal situation.
2. Client	<i>I'm an antiques dealer. I buy, sell and exchange interesting old objects, mainly things like clocks, paintings and small items of furniture. // I keep a shop, just off the high street, only ten minutes from here.</i>
3. Solicitor	I understand too that the matter on your mind today relates to your business. // I think you indicated on the phone that you've come into possession of an item which the police also happen to be interested in.
3. Client	<i>You see, in my business there is usually a fairly rapid turnover, so in order to maintain a good level of stock I sometimes need to go out into the markets and simply buy what I can. // Now, that's very different to doing business with regular customers.</i>
4. Solicitor	Of course it is. For one thing, you may not know who you're dealing with. Secondly, the origins, or provenance of the stock may not be always verifiable. // I have had professional experience of this sort of matter.
4. Client	<i>Ah, well, to cut a long story short: two weeks ago, I visited our local flea market and met a gentleman selling a nice clock, which I bought and placed in my shop window. // Last Saturday two policemen came in and told me that the clock matched the description of a clock reported stolen. // They now propose charging me with handling stolen goods, so I've come to you for expert advice. // Where do I stand here? I'm not a thief.</i>

Figure 7: Sample script for dialogue consecutive interpreting test.

SIMULTANEOUS INTERPRETING

In simultaneous interpreting a message is translated into the target language at the same time as a source language speaker is speaking. This mode allows SL speakers to speak for an extended period of time without interruption (extended monologic speeches). In open court, for instance, it is used when a witness who speaks the language of proceedings gives testimony, which may not be understood by the defendant.

Simultaneous interpreting is used to relay messages in the target language (TL) in real time. Whilst the source language (SL) speaker is speaking, the interpreter is carrying out a number of operations: listening to each chunk of SL speech, analysing it to extract the message, reformulating the same message in the TL, listening to the following chunk of SL speech, and so on. The interpreter always lags behind the SL speaker somewhat (*décalage*), and this time lag varies during the performance depending on a number of interpreter-related factors (personal preference, short-term memory capacity, familiarity with the topic), the characteristics of the SL speech (textual

complexity, information density, register, degree of technicality, etc.) and SL speaker-related factors (language competence, accent, speed of delivery, fluency, etc.).

In court, simultaneous interpreting is typically provided from the language of the proceedings into the language of the defendant (the Other Language) to allow him/her to participate fully in his/her own trial. Depending on the available equipment, simultaneous interpreting may be performed in three ways:

- Whispered interpreting (*chuchotage*). The interpreter sits next to the listener and whispers the interpretation directly into his/her ear. This is a common scenario in legal settings (courts, police stations, etc.) where no audio equipment (e.g. headphones, microphones and audio loop) is installed.
- Interpreting using a *bidule* or mobile interpreting system. The interpreter sits at the back of the room and interprets via a microphone connected to a receiver and headset worn by the listener(s).
- Interpreting in a sound-proof booth. The listener(s) receive(s) the interpretation via a receiver and headset. This arrangement is usual in international courts, such as the European Court of Human Rights, the European Court of Justice, War Crimes Tribunals, and other multi-lingual settings. It is not common, however, in domestic criminal courts or judicial proceedings.

Examples of speech events in the courtroom when this mode would be used are: oral submissions to the judge and jury, indictments, statements of facts, reading of witness statements in open court, summing up of cases, or witness examination and cross-examination given in the language of proceedings. In other words, the type of discourse to be interpreted simultaneously may range from highly technical to every day language.⁹

Rationale for testing

Simultaneous interpreting is one of the core interpreting modes that should be tested. In order for defendants to be able to fully understand the proceedings, they need to be able to follow all the exchanges in court. This requires interpreters to provide a simultaneous interpretation of speech being delivered in the language of the proceedings, mostly for the defendant's benefit.

9. For a general overview of simultaneous interpreting in legal settings, see Mikkelsen (2000: 77-76).

There are several factors which need to be taken into account that affect test construction and administration.

Factors to consider

The availability (or otherwise) of sound-proof interpreting booths, *bidule* equipment, a language lab with recording facilities, video cameras (to record candidates' renditions) and so on has an obvious effect on the way the test is organized and conducted. Test developers must take into account these logistics and develop the test accordingly. Other factors to be considered include:

- selection of text types, duration and length
- using recordings as SL materials vs. using live speakers

Selection of text types, duration, length and information density

The testing of simultaneous interpreting is more straightforward than the testing of dialogue interpreting, as fewer participants are involved. One common approach is to prepare a speech in the desired language for delivery either live by a guest speaker or in pre-recorded form (this mode of interpreting lends itself better to the use of pre-recorded speeches in testing than dialogue interpreting). However, speeches must be carefully prepared to ensure the correct level of terminological complexity, content-related difficulty and speed of delivery (words per minute). The speeches used in simultaneous interpreting tests must be representative of the type of speech the interpreter will encounter in professional practice. Suitable materials, taken from court transcripts or constructed for the purposes of the test, may include witness or defendant statements read out in court, witness examination or cross-examination, expert witness testimony, closing speeches or a judge's summing up.

The duration of the test (minutes) and length of the speeches (number of words) must be established in advance by taking into account professional standards and actual needs of the legal system of each country. By way of illustration, some examples from a number of existing certification schemes are provided in [Figure 8](#), on [page 59](#).

Recorded materials vs. live speakers

The decision to use live or recorded materials for the simultaneous interpreting test must take into account some practical issues, the first being whether

it is going to be a booth-based test in a language/interpreting lab or a whispered interpreting test performed in a standard examination room.

If the test is performed in a booth or language lab, using a live speaker makes the test more realistic, but using a recording is considered an equally acceptable solution in many testing systems (see [Figure 8](#)) and training institutions. However, if the test is conducted as a whispered interpreting test and is embedded in a live role-play, using a live speaker means that the performance can only be assessed by the receiver of the whispering (i.e. one of the two interlocutors in the role-play). This makes recording the performance problematic, if not altogether impossible and assessment must be carried out in real time at the expense of accuracy and objectivity. These problems can be addressed by giving the candidate specific instructions to speak at an audible volume for the rater, which in turn makes recording possible.

If using recorded passages, raters must make sure that the equipment used (language or interpreting lab) is appropriate and that the recording is of good sound quality (specific parameters must be established before the test). If there is a high number of candidates and various recordings are used, the same equipment settings must be used when recording each passage to ensure comparability. Using recorded texts has a number of advantages from the point of view of test administration and logistics:

- It increases test reliability and fairness for all candidates (they all get the same text).
- It makes assessment more reliable for raters, because candidate comparisons are easier to make.
- It is more cost-effective, because there is no need to budget for a live speaker and many candidates can perform the test at the same time (raters will assess their performances later, by listening to the candidates' recordings).

Country / scheme	Language direction*	Duration (min)	Length (# of words)	Pace (words per min)	Material	Register
USA / FCICE	B > A	7'	840	120	Recorded. Opening or closing statement to jury.	Ranges from high to low (matters of law and fact in combination with casual and persuasive speech).
	A > B	5'	600	Varying speed, up to 160	Recorded. Expert witness testimony.	More specialized terminology than in the dialogue interpreting test.
USA / CLAC	A > B	7'	800-850	120	Recorded. Transcripts: general legal concepts and procedures, wide range of types, levels and stages of proceedings and legal subjects.	Avoid specialized, arcane, or highly technical discourse.
UK / DPSI	A > B	5'	330	NA	Embedded in live role-play. Whispered.	NA
	B > A	5'	330	NA	Embedded in live role-play. Whispered.	NA

* A language: language of the proceedings; B language: Other language

Figure 8: Simultaneous interpreting test overview within FCICE, CLAC and DPSI¹⁰.

10. For a full description of these certification schemes and their test components see: FCICE (<http://www.ncsc.org/sitecore/content/microsites/fcice/home/About-the-program/Examinee-Handbook/4-The-oral-examination.aspx>), CLAC (<http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/Written-and-Oral-Exam-Resources.aspx>) and DPSI (http://www.iol.org.uk/qualifications/exams_dpsi.asp).

Performance criteria

- accuracy and completeness
- quality of the TL (general and specialized language use)
- fluency in delivery
- pace and speed of delivery

Sample script for simultaneous interpreting test

By way of illustration, a sample simultaneous script taken from [Appendix 2](#) of the Court Interpreter Oral Examination Test Construction Manual by the Consortium for Language Access in the Courts (CLAC), National Center for State Courts (United States)¹¹ is presented below.

Good morning. My name is Janet Smith and I am an assistant state's attorney in our county. Ladies and gentlemen of the jury we believe that the evidence will show that during the morning hours on July 2nd, 2004, a woman by the name of June Jones was brutally beaten and assaulted in the living room of her home here in the city of Madison. She was held down on her living room floor for two hours, and her assailant took her purse when he finally ran away. We will prove that the defendant, Omar Butler, is the person who assaulted, restrained and stole from June Jones. The State has charged Mr. Butler with attempted sexual assault, false imprisonment and theft.

June is a 42-year-old divorcée who lives alone at 1729 Rosewood Avenue. On the night of Friday, July 1st, June was at her house with a friend, hanging out and drinking. Late in the evening, the victim told her friend that she wanted to go over to Harry's Bar. Her friend said that he wanted to call it a night, so June decided to go by herself...

Figure 9: Sample script for simultaneous interpreting test.

SIGHT TRANSLATION

Sight translation is an interpreting mode used to relay a source language written text as a target language oral text. Sight translation is practised in both language directions in many legal settings. One of the most common situations in which sight translation is used in legal interpreting is when a foreign witness' or defendant's statement is taken and a written record is produced in the language of the proceedings. Likewise, when a foreign victim of a crime reports the crime to the police, he/she will be asked to sign the written record of the statement that has been produced there and then by the police officer on duty. Alternatively, the document may not be in the language of the proceedings but in the Other Language, for example, when a foreign expert witness' report is submitted in open court without a written translation. In these cases,

11. See http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/~media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Language%20Access/Written%20and%20Oral/Test_Construction_Manual_rev_612.ashx

the interpreter may be asked to provide an immediate oral translation of those written documents for the benefit of the court and all parties involved. It is therefore recommended that candidates be tested in sight translation both ways (i.e. from the language of the proceedings into the Other Language and from the Other Language into the language of the proceedings).¹²

Rationale for testing

The sight translation test aims to verify whether candidates can understand a specialised SL written text on first reading, with minimal preparation time, and relay it in oral form in the TL fluently, accurately and at a good steady pace.

Factors to consider

- selection of text types, duration, length and information density
- allowing preparation time vs. requiring a translation at first sight
- recorded vs. live performances

Selection of text types, duration, length and information density

The preparation of materials for oral sight translation tests involves the selection or writing of suitable short texts for the candidate. In order to ensure the authenticity of the test, the texts should be representative of the text types interpreters will encounter in professional practice. Suitable texts can be drawn from almost any area of domestic judicial or police activity. The duration of the test must be established in advance, taking into account the length of the written passage to be sight translated (the source text) and its information density and complexity. Moreover, test developers must decide whether candidates are to be allowed some time to read the text before the sight translation test begins and, if so, how long. Finally, test developers must also consider how they will capture and assess the candidate's rendition(s) (live observation or recording).

As the above-mentioned examples of common situations clearly show, the documents to be sight translated may range from general descriptions of events, which may contain informal or colloquial language, to highly formal, technical and complex reports presented by expert witnesses in open court, which normally include specialized terms and references to technical documents or scholarly work. Therefore, oral sight translation requires a familiarity with both the written and the spoken forms of both languages and mastery of both informal and technical language registers and terminology.

By way of illustration, some guidelines taken from existing certification schemes are provided in [Figure 10](#).

12. For a general overview of sight translation interpreting in legal settings, see Mikkelsen (2000: 76-77).

Country / Scheme	Language direction*	Preparation (min)	Duration (min)	Length (no. of words)	Register	Text type
UK / DPSI	A > B	5'	5'	180 words	Formal	NA
	B > A	5'	5'	Equivalent of 180 words of A language when translated.	Formal	NA
USA / FCICE	A > B	1' 30"	5'	230	Formal, with colloquial language and/or judicial jargon.	Police reports, investigation reports, or affidavits of witnesses (factual descriptions).
	B > A	1' 30"	5'	230	Formal	Affidavits taken before a notary, letters by educated individuals, or legal documents.
USA / CLAC	A > B	2'	6'	200-225	NA	Police reports and investigative reports prepared for a court or a court support office.
	B > A	2' max	6'	200-225	NA	Letters to a judge and/or other court staff. Court documents (stipulation, affidavit, court order, police report).

* A language: language of the proceedings; B language: Other language

Figure 10: Sight translation test overview within DPSI, FCICE and CLAC¹³.

13. For a full description of these certification schemes and their test components see: DPSI (http://www.iol.org.uk/qualifications/exams_dpsi.asp), FCICE (<http://www.ncsc.org/sitecore/content/microsites/fcice/home/About-the-program/Examinee-Handbook/4-The-oral-examination.aspx>) and CLAC (<http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/Written-and-Oral-Exam-Resources.aspx>).

Recorded vs. live performances

A live test, with candidates performing sight translation in front of a panel of raters, makes the test more realistic, but also more time-consuming, because only one candidate at a time can be tested.

Recording candidates' renditions in a language lab makes the test procedure faster and more cost-effective, because more than one candidate can take the test at the same time. Clearly, in this case the assessment will take place at a later time.

Performance criteria

- accuracy (content)
- quality of the TL (general and specialized language use)
- fluency in delivery
- pace and speed of delivery

Sample script for sight translation test

By way of illustration, a sample sight translation script taken the Oral Practice Exam of the U.S. Federal Court interpreter Certification Exam¹⁴ is reproduced below.

Your Honor, if it please the court, the Government would establish that Mr. Jorge Domínguez was a citizen of the Dominican Republic, having been born there in 1970. He initially entered the United States legally with his parents and siblings on an immigrant visa in 1985. He was subsequently deported from the United States on January 15, 1993 following his conviction and resultant incarceration in New York State the preceding year for the sale of a controlled substance, namely cocaine. On October 24th of last year, Mr. Domínguez was arrested and detained in Wilmington, Delaware where he was charged with the sale of heroin to an undercover state trooper. The INS then proceeded to compare his fingerprints, through FBI data banks, with those of the individual who had been deported in 1993, and it was confirmed that they were one and the same person. The INS obtained his immigration file and established that he was in fact born in the Dominican Republic. Furthermore, they confirmed his 1985 legal entry into the U.S., his 1992 conviction for an aggravated felony, and the deportation arising from that conviction. The INS would further prove that he had neither submitted an application for nor been granted permission to reenter the United States.

Figure 11: Sample sight translation

14. See <http://www.ncsc.org/sitecore/content/microsites/fcice/home/About-the-program/8-Oral-Practice-Exam.aspx>.

SOME CONSIDERATIONS WHEN PREPARING TEST MATERIALS

Discrete competency testing vs. combined competency testing

In [Chapter 2](#), the interpreting modes that legal interpreters must master in order to work in legal settings were set out. Another issue that is important to consider is whether a candidate should be tested in all of these skills separately, with individual testing units for each interpreting mode, or whether all of these skills can be tested in the course of one combined activity.

In existing certification systems different approaches have been taken to this question. One example is the Antwerp Legal Interpreter/Translator Certification Scheme (GVT) (Belgium) in which all tasks are integrated into a single interpreting role-play, gradually moving from a warm-up opening dialogue (designed to help candidates relax and get over exam anxiety) to a more complex sequence of longer turns, an embedded sight translation test, and whispered interpreting tests in both language directions, with a relatively easy dialogue sequence at the end. The order of these tests has been designed to allow candidates to tackle the hardest components of the role-play in the middle of the 40-minute test. This design also takes into account the fact that candidate performance is generally weaker at the beginning of the test (owing to anxiety) and at the end (owing to fatigue). The best level of performance can be sampled in the middle sections of the test. This approach to testing is referred to as *combined competency testing*.

In the UK the interpreter certification scheme (the Diploma in Public Service Interpreting or DPSI) is made up of five testing units that can be taken in any order (see Maxwell-Hyslop 2011). One of these units is the interpreting test, which consists of two 15-minute role-plays. Each role-play contains a different topic (for example, a police officer interviewing a witness or a solicitor advising a client facing criminal charges) and each has a whispered simultaneous interpreting passage embedded in the dialogue. This allows for candidates to be tested on two passages of whispered simultaneous interpreting (one in each language direction), and provides enough consecutive dialogue interpreting material for candidates to demonstrate their skills. The second unit of the test assesses bi-directional oral sight translation skills and consists of two texts for oral sight translation, one in English and one in the Other Language. The third unit of the test assesses bi-directional written translation, using the same model of two texts, one in each language. This approach to testing, in which interpreting modes are separated out and tested in individual units, is known as *discrete competency testing*. In the case of the DPSI test, of course, there is also an element of combined competency

testing in the two interpreting role-plays, where the (whispered) simultaneous interpreting passage is embedded in the interpreting role-play.

The two above-mentioned certification schemes are well-established schemes that have endured over time and are respected for the quality of the assesment they offer. The choice of testing format (between the two models or of a hybrid of both) is a matter for the testing team to decide at an early stage of test development.

Abridged or Bifurcated Tests

As pointed out elsewhere, developing, implementing and managing a certification scheme is a costly and time-consuming enterprise. That is why in order to ensure a degree of cost-effectiveness and a rational use of existing material and human resources, some certification systems have adopted measures to reduce costs without sacrificing the ultimate goal of certification testing, i.e. identifying interpreters who can perform at the desired level of quality in all modes. One of these measures is the introduction of language proficiency or legal knowledge screening tests in an early stage of the certification process (see Chapter 2). There are also measures that can be adopted when developing the interpreting tests themselves to help achieve efficiency and economy. One of them is implementing an abridged version of the standard test and another is to opt for what is known as bifurcated testing.

The rationale behind the introduction of an abridged version of a certification test is to allow for the development of tests in many languages, thus making it possible to certify as many candidates in as many languages as possible in a relatively inexpensive way. Given the complexity of developing full tests for all languages (see Chapters 1 & 6), it is possible to develop a test with fewer components to determine if a person is able to perform adequately in legal settings. For instance, the United States Consortium for Language Access in the Courts (CLAC) has devised an abbreviated oral test which, according to its regulations, “includes, at a minimum, a simultaneous component, plus a measure of conversational proficiency in English to be chosen by a member from a list of available standardized tests provided and updated periodically”¹⁵ (for instance, TOEFL, VET, IELTS, etc.). Abridged tests are only available for those languages in which full sets of tests have not been developed.

15. See http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/~/_media/Files/PDF/Services%20and%20Experts/Areas%20of%20expertise/Language%20Access/Written%20and%20Oral/AbbreviatedOralExamModel.ashx.

Closely related to the previous idea is the introduction of a bifurcated model, which consists of testing candidates first in the interpreting mode that has the highest predictive value. The rationale behind this approach is to weed out, from the very beginning, those candidates who do not possess the minimum interpreting skills to successfully pass the whole testing process, and it is a response to the high failure rates observed in some certification systems and the enormous amount of resources used in testing candidates with no chances of obtaining certification (see Wallace 2012: 266-271). Research carried out in the USA has shown that the simultaneous interpreting test, taken as a first component of the certification procedure, seems to successfully identify those candidates who are more likely to succeed in the other interpreting tests. This system is already in place in the court interpreting certification systems in the states of New Jersey, New Mexico and Idaho in the United States (Wallace, 2012). Only those candidates who have successfully passed the initial simultaneous interpreting test are allowed to attempt the tests in the other modes. In other words, candidates still have to pass all interpreting mode tests (unlike the traditional abridged model), but one of them serves as an initial screening test. However, it should be stressed that more research is needed to confirm the validity of the bifurcated model.

CONCLUSIONS

This chapter has presented the different interpreting components a Legal Interpreting certification scheme may include: monologue consecutive interpreting, dialogue consecutive interpreting, simultaneous interpreting and sight translation. As clearly stated from the beginning, to ensure that interpreting tests meet crucial requirements such as test validity, authenticity and reliability, special attention must be paid to their development and design. First of all, interpreting tests should reflect the professional reality in which interpreters work, i.e., they should be performance-based and tailored to the needs of the country's legal systems. To this end, certification agencies may decide which of the interpreting components described herein are to be included in a particular certification scheme, taking into account the specificities of a given legal system or the scope of the certification to be granted (for instance, whether it will entitle interpreters to practice across all sorts of legal venues, from police settings to court proceedings, or it will be limited to work in a single field within the wider justice system). Decisions as to which components are to be included in the certification process need to be taken carefully and at a very early stage. However, in all cases the chosen test format should not compromise the reliability and validity of the certification

procedure as a whole and should not put at risk the right to a fair trial that all accused persons, no matter what their language community, are guaranteed in criminal proceedings.

Likewise, test developers should pay special attention to the selection of text/speech types, duration and length of tests, etc. Equally important is the overall testing approach when it comes to the assessment of interpreting competencies. Available options include discrete competency assessment and combined competency assessment. Each option has its pros and cons, as has been described in this chapter, but once again, a decision must be taken at an early stage of the test development process.

Assessment is a crucial element in any certification process, so raters should receive specific training to guarantee that the assessment criteria are clear and the skills to be assessed are the ones that are actually assessed. Even more importantly, inter-rater and intra-rater reliability can only be achieved if raters have received proper training and test developers have provided them with sufficient guidelines, crystal-clear rating scales, etc.

As has been shown throughout this chapter, designing an interpreter certification test is not an easy task. Adopting ad-hoc solutions does not work. Certification agencies should plan tests ahead of time and should bring together experts from different fields (linguists, interpreters, interpreter trainers, legal professionals, administrators, psychometricians, etc.) to design them. This is the only way they will be able to set up a legal interpreting certification scheme capable of identifying reliable interpreters who can successfully serve the legal systems and guarantee justice for Other Language speakers involved in criminal proceedings.

4. TESTING KNOWLEDGE OF THE LEGAL CONTEXT

Ann Corsellis, Yolanda Vanden Bosch

This chapter concerns the testing of knowledge of the relevant legal systems and the ability to retrieve information that may be useful to the interpreter in the preparation and execution of the interpreting assignment, including the use of on-line legal resources.

CONTEXT AND RATIONALE

The testing of knowledge of the legal system is part of an assessment of professional skills and is therefore meant to reflect what is required for best and safe practice in the work place.

The main elements of the art of legal interpreting include having knowledge of and understanding:

- the legal systems involved,
- the formal and informal terminology used in both languages,
- interpreting techniques,
- the code of conduct & guides to good practice,
- professional organisation and behaviour.

These elements are interdependent. Therefore, while the focus of this chapter will be on the first element in this section, there will also be brief mention of connections and cross-referencing to the other four elements.

Legal interpreters, like other interpreters working in the public sector (and unlike most conference interpreters), seldom have the opportunity for lengthy research and preparation prior to an assignment. Attendance at police stations and other locations may be required within hours. It is therefore essential that legal interpreters be equipped to deal effectively with this situation by possessing:

- a solid foundational understanding of the legal context and legal concepts,
- the information retrieval skills to add to that knowledge base quickly when necessary,
- the ability to abide by their code of conduct in this regard; for example, when and how to recognise and admit to professional limitations appropriately,
- an understanding of the relevant protocols and guidelines to good practice which allow them to implement their codes without risking the integrity or flow of communication; for example, when and how to ask for clarification.

When evaluating the performance of a candidate seeking certification, raters must therefore be satisfied that candidates possess:

- a sound foundational knowledge and understanding of relevant legal systems,
- the skills and strategies to identify quickly and precisely what they are not sure of and to take effective remedial professional action, either before or during an assignment.

FIVE PRACTICAL RELEVANT FACTORS TO BE TAKEN INTO CONSIDERATION

1. Legal systems comprise a series of connected services, such as police, courts and tribunals, and a wide range of potential legal situations. They, the societies they serve, and the formal and informal language usage involved, are subject to constant change. Few, if any, legal interpreters, however experienced, will know everything, but all must have a grasp of the basic concepts.
2. Therefore, in order for interpreters to be able to access quickly any necessary additional information for an upcoming assignment, they need a clear understanding of the recognized professional channels through which such legal information and terminology are available and how they are structured and systemized, especially on-line. In addition to national legal on-line sources, there are EU on-line sources for national legal systems, and other EU and international on-line legal sources ([see Appendix 3 for examples](#)).
3. Interpreters should have sufficient knowledge of the legal systems relating to both of their working languages to enable accurate interpreting between the two. This is likely to involve a more thorough knowledge of the legal system of the country in which they are

working than the legal system of the other country. It does not mean interpreters must know as much as lawyers because, obviously, it is not the interpreter's role to give advice, information or opinion.

4. As regards other-language-speakers (OLS), the language spoken by an individual may be the official language spoken in a number of countries. For instance, Spanish, French and English are not only the official languages of countries in mainland Europe but also in other countries where legal systems and terms may differ somewhat (see [Chapter 1](#)).
5. The OLS may possess a range of degrees of accurate understanding of either legal system. A Spanish police officer or lawyer will have a full grasp of the Spanish legal system while a Spanish tourist may not. If necessary, it is the responsibility of the legal services, e.g. lawyers, probation or police officers, to explain their own legal systems and procedures to the OLS, and the responsibility of the interpreter to interpret the explanations.

FOUNDATIONAL KNOWLEDGE AND UNDERSTANDING

Candidates should have sufficient base-line knowledge and understanding of the legal context, in terms of:

The structures, procedures and personnel including:

- international and national legislation concerning legal interpreting and translation
- the overall structure of the legal systems of their working languages and the relationships between the range of legal services within them, e.g., the hierarchies and types of criminal and civil courts and tribunals
- the different legal actors (judges, prosecutors, clerks, lawyers, etc.),
- the organisational structure of police services
- the aims of the probation and prison services, as well as victim support services
- the common procedures undertaken within each legal service; for example, the sequence of speakers in hearings in courts and tribunals,
- criminal investigations and dealing with routine matters such as missing persons in police stations
- the circumstances and character of consultations with lawyers
- the implementation of community service orders and gathering of social, medical and psychiatric reports

- the role and expertise of the participants working within the legal service, how to address them and, where relevant, how to recognise them (uniforms denoting rank)

Legal concepts that underpin terminology

It is essential to have an understanding of the legal concepts that underpin and express commonly used terminology: e.g., when working in English: “guilt”, “bail”, “reasonable doubt”, “theft”, “burglary”, “robbery”, “prosecution” and “caution” all have precise legal meanings which the interpreters must know.

Interpreting modes and techniques

Interpreting modes and techniques and how to test them are dealt with in [Chapter 3](#). However, a complete understanding of the different interpreting modes and their appropriateness and limitations, together with adequate knowledge of legal procedures and terminology, codes of ethics and conduct, and guidelines to good practice, enables interpreters to choose or advise other parties as to which mode to deploy, when and how. For example:

- Dialogue or short two-way consecutive is used during direct exchanges during police investigations, court hearings and probation interviews.
- Whispered simultaneous may be used during court hearings when the OLS is not being addressed directly but has the right to know what is being said by others, to return him/her to the position enjoyed by a speaker of the language of the proceedings. (Note: Whispered simultaneous will obviously not be used where the exchange is being tape-recorded, as in police stations in some countries.)
- Video-conferencing and telephone interpreting, which have both advantages and disadvantages, are suitable in some cases. Well-informed interpreters play an important part in deciding whether or not they may safely be used ([see Chapter 7](#)).
- Interpreting conversations in progress are often managed using mechanisms such as wire-taps, which requires a high level of skill on the part of the interpreter (as does the potential need for later transposing these recorded conversations into written form).
- Sight translation involves reading a text in one language and, after grasping the overall sense, immediately delivering an oral rendition in a second language. The quality of the oral version depends upon

the length, complexity and legibility of the original written text. Judgements have to be made and balanced against the needs of the legal process.

THE LINK BETWEEN KNOWLEDGE OF THE LEGAL SYSTEM AND THE IMPLEMENTATION OF CODES OF ETHICS AND GOOD PRACTICE

Codes of ethics and guidelines to good practice are dealt with in [Chapter 5](#). They also underpin professional organisation and behaviour, which includes practical matters such as punctuality and diary and financial management.

The main elements of the interpreters' code of conduct, such as confidentiality and impartiality, are shared in common with other professions working in the legal system, such as lawyers. They complement and reinforce one another for the protection of the legal process. Implementing them properly requires an understanding of legal process and concepts.

For example, interpreters should know:

- when and how to admit to professional limitations without unduly disrupting proceedings and before any damage is caused,
- who should be informed, and when, if attempts have been made to corrupt or put pressure on them to break their obligations of confidentiality and impartiality,
- how to judge whether they have adequate skills and knowledge to accept an assignment and how to decline an assignment or recuse themselves if they feel it is necessary to do so,
- how to deal appropriately with any comments or allegations about the quality of interpreting or of professional practice.

Likewise, guidelines to good practice support the implementation of the codes of ethics in specific situations by setting out in more detail how best to proceed. They will differ between countries. Guidelines tend to change over time to accommodate changes in law or procedures and interpreters should be familiar with them.

For example, performance will be enhanced if interpreters understand issues such as:

- safety and security precautions when working in prisons
- safety and security precautions when working in confidential consultation with the lawyer before a police interview
- the procedures for taking a witness statement
- specific problems working with children or victims

- interpreters' seating arrangements in courts and tribunals
- ensuring a language match between interpreter and clients

SUGGESTED STRATEGIES FOR TESTING EXISTING KNOWLEDGE

Determining what level of understanding an interpreter has of the legal system and its procedures and personnel can be done using several methods. Some suggestions are:

- to embed elements in another part of the testing scheme, e.g. in interpreted role-plays or sight translations, to determine whether candidates demonstrate an accurate and sufficient knowledge and understanding of the legal systems to underpin their interpreting skills. These elements would be evaluated separately, but within the overall rating scheme developed for the testing instrument. For example, simulated role-plays, with legal actors, could reflect interactions in settings such as:
 - courts and tribunals
 - police stations, in interviews with investigating judges
 - consultations with lawyers (short confidential consultation cfr Salduz, consultations in prison, in the lawyer's office, etc.)
 - probation or prison services
- to develop separate questions about the legal system that can be answered either in writing (short answers) or orally (which would also allow for evaluation of spoken skills in the language of the proceedings) or by means of a multiple-choice exam,
- to observe performance of carefully selected assignments during a training course, when formal training is available,
- to include evaluation of this type of knowledge during a post-examination probationary period, before full or final qualification. Three or four real assignments could be assessed during this period,
- to use reading comprehension exercises of legal texts to ascertain level of knowledge. Some specific types are cloze exercises (fill in the blank), summation exercises, identifying synonyms or antonyms, or understanding words in context,
- to assess candidates' knowledge and use of on-line legal sources,
- to use video clips with different scenarios and ask candidates to:
 - identify who is who, their role, how they are addressed, etc. (e.g. in a court room),

- to define precisely the meaning of a term or word in context in a range of registers used by legal personnel or defendants, witnesses and victims,
- to describe the reasons for particular procedures,
- to choose when and how to self correct.

SUGGESTED STRATEGIES FOR ASSESSING INFORMATION RETRIEVAL SKILLS TO ENHANCE EXISTING KNOWLEDGE

As mentioned above, legal interpreters seldom have much advance opportunity for research in preparation for an assignment. In accepting assignments, they have to make a responsible judgement as to whether they are competent for the task or can do the necessary preparatory research within the time available. The information they may need can be gained from a number of sources, such as on-line resources or from individuals. Interpreters must therefore be able to:

- immediately identify what they are unsure of,
- build upon their existing background knowledge before and, if necessary, during an assignment,
- know where to find the required information quickly,
- keep a personal accessible record of useful, non-confidential information,
- be responsible for admitting professional limitations appropriately,
- keep up-to-date between assignments.

Suggestions for strategies to use to assess competence include using one or both of the following:

- Short responses to a situation. What additional information would you need to interpret in the following situations, and where and how would you find it in the time available?
 - You are called to come as soon as possible to an assignment in a police station involving a lorry driver whose vehicle allegedly has defective brakes, a defective offside rear headlight and an out of date tax disc.
 - You accept an assignment for a court hearing to take place in four days, involving scrap metal theft.
 - You have agreed to interpret in a (pre-or post-sentence) Restorative Justice process. You are aware that the terminology

may be non-technical but that the communicative strategies may need advance consideration.

- Longer responses to illustrate more extensive knowledge, reflective understanding, information retrieval and IT skills.
- You have accepted an assignment to interpret in a police investigation concerning international fraud. You understand that there is copious evidence, collected from a number of sources here and abroad. What additional prior information do you need to do your task?
- You have accepted an assignment to interpret in a trial court hearing in a matter of alleged cross border child abduction and abuse, where emotions are running high. Consider the procedures that will be followed and your approach to interpreting. Also consider how you might take care of your own well-being before, during and after the hearing.
- A lawyer has asked you to assist in a consultation with a client accused, with others, of a series of drug offences. The client is likely to be evasive and the evidence complex. Consider the drug related jargon likely to be used and how to deal with the communication strategies of lawyer and client.
- It is being suggested that video-conference interpreting should be used to communicate with a young witness who is based abroad. Your advice is sought. What factors would you consider and why?

CONCLUSIONS

Understanding how the legal system works is an important factor in a legal interpreter's ability to effectively perform at a high level of accuracy and quality and thereby ensure that justice is carried out in all cases. A decision as to how to evaluate a candidate's knowledge and understanding of the legal system requires serious consideration, both as regards the scope of the evaluation and the methods used for testing and scoring. Testing of this aspect can be done separately, as part of a screening process, for example, or can be embedded into the interpreting portions of the certification process. If training courses are provided or required, this component should be included and evaluated as part of the program. Knowledge and understanding of the different elements of legal interpreting are interconnected. Thus, testing legal knowledge, legal methodology and the ability to use official on-line legal resources is of paramount importance.

5. TESTING KNOWLEDGE OF CODES OF ETHICS

Erik Hertog

Knowledge of the code of ethics and integrated awareness of the code in one's professional performance are essential for the legal interpreter. This ensures that the interests of all parties are served in an impartial and confidential way and it inspires trust in the professional role of the LI. Moreover, LIs must know that a breach of the code may make them liable to disciplinary procedures and possibly criminal charges. Respecting the code supports the perception of the professional role of the LI and helps other legal professionals carry out their duties in an efficient way. This is why it deserves serious attention. The chapter on Ethics and the Code of Conduct suggests useful and practical testing and assessment methods that could be used to test the knowledge, awareness and integration of the code of conduct into an interpreter's professional practices.

INTRODUCTION

Knowledge of the code of ethics and integrated awareness of the code in one's professional performance are essential for the legal interpreter (LI). This ensures that the interests of all parties are served in an impartial and confidential way and it inspires trust in the professional role of the LI. Moreover, the LI must know that a breach of the code may make him or her liable to disciplinary procedures and possibly criminal charges.

It follows that every EU Member State should have a code of conduct for LIs and that there should be maximum convergence between these codes. The core principles of any LI code – to observe confidentiality and impartiality, to disclose professional limitations and conflicts of interest, always to interpret to the best of one's ability, to decline any compensation other than agreed fees and expenses, and to seek to increase one's professional skills

and safeguard professional standards - should be the same in each Member State to ensure consistency and mutual trust throughout the EU, although there may well be specific additions to meet the needs and contexts of the different legal systems (see [Appendix 2.1](#)).

It is important that LIs know the code of conduct, understand what this code encompasses and how it will determine their professional performance. The knowledge of the code of conduct should encompass:

- knowledge of the code(s) that apply in the national/regional legal system
- knowledge of the national/regional association's code
- knowledge of the relevant EU code(s)
- fully integrated understanding of the main ethical principles of the code such as maintaining confidentiality and impartiality and being aware of potential conflicts of interest
- understanding how the application of the code affects and enhances proper professional interaction with all parties to a legal proceeding,
- understanding how a breach of the code may entail disciplinary procedures or even criminal charges
- understanding how continuous professional development, including self-monitoring of performance, can further enhance ethical professional practice¹

Further issues that may be derived from this integrated knowledge base include how LIs could promote the recognition and implementation of an effective code of conduct, how to defend professional and ethical boundaries when working, and how to respect the ethical codes of other professions LIs work with in the domain of legal interpreting.

TESTING

The following two testing and assessment methods could be used to test the knowledge, awareness and integration of the code of conduct. They are fundamentally different and consequently demand different time, staff and cost investment. Of course, some certification authorities and/or training programmes may want to opt for both, but where certification is organized by a central authority and training is decentralized, then the second summative option could be considered.

1. Adapted from Townsley, 2011, Chapter 2.

Continuous assessment

The first possible form of assessment of ethics is continuous assessment, which takes place continuously during training and as such can be used as an alternative to a single final test. The training could be provided in the traditional classroom type of setting but, if set up very carefully, it could also be made up of self-study of a syllabus in combination with distance-learning, complemented with regular chat sessions and a number of meetings. Whatever the format of training as a sustained means of assessment throughout the training period, it requires continuous feedback to reinforce the desired outcomes, which makes it a labour intensive form of assessment for both students and trainers. A decision must be made as to whether or not this is feasible, as it is obviously related to the availability of a training programme and an accredited certification procedure. In order to assess each candidate reliably, evaluators must make sure that there is sufficient participation in training activities and that any materials (written, recorded, digital...) produced in support of the assessment are indeed the candidate's own.

The following instruments (or learning activities) could be considered by way of suggestion and are in no way intended to be exhaustive for the assessment of ethics in a training course.

Critical decision-making

- guided reading and discussion of various codes
- comparative study of codes in different professional fields, e.g. a comparison of codes in the medical field (Appendix 2)
- discussion of the fundamental ethical principles in the code
- development of a critical ethical decision making process (Appendix 2)
- guided reading and discussion of the codes of other legal professionals
- guided reading and discussion of relevant passages in the literature (on codes, ethics issues, etc.)
- application of the code of ethics to ethical dilemmas (e.g. discussions of alternative options)
- discussion of case studies
- sharing of experiences brought by students
- essays, comments and reports, presentations

Guided practice

- role-plays— scripted as well as open, progressively more difficult/sensitive
- simulations with invited practitioners
- a mock disciplinary hearing in which a breach of the code is discussed²
- training videos
- video/audio recordings of candidates
- supervised chat sessions (Appendix 2)
- supervised practicum: providing the trainee with the opportunity to observe working LIs
- supervised practicum (apprenticeship): providing the trainee with the opportunity to carry out an appropriate assignment under supervision of a supervisor/mentor
- portfolio of relevant class activities, practicum assignments and extracurricular materials including a self-reflective evaluation process

Assessment

A specific observation and marking sheet for individual continuous assessment of various assignments could be drawn up on the basis of:

- participation and involvement in class activities or on the on-line platform
- class activities including preparation of assignments and understanding of issues discussed taking into account both knowledge and integrated awareness components
- quality of oral presentations (on the literature, a case study, a chat session report...)
- quality of written assignments (reports, observation sheets, essays, comments...)
- quality of practical assignments (role-plays, observations, a supervised practicum...)

Parity in the tasks and assignments among the candidates as well as consistency and fairness in marking across the range of activities must be

2. See e.g. the Disciplinary Committee hearings of the National Register of Public Service Interpreters (NRPSI) concerning allegations of unacceptable professional conduct against interpreters at <http://www.nrpsi.co.uk/pdf/Disciplinary%20Committee%20Hearings.pdf>

maintained. Therefore, both objectives and assessment criteria should be clearly identified. If group work is to be assessed, this may be balanced by either an oral presentation by each of the candidates in the group to assess the relative weight of his/her contribution, or by an individual with accompanying written comment.

Since the continuous assessment of ethics is by definition an on-going learning process, a more holistic method for the various activities seems preferable instead of adding up 2,5 on one task and 3,5 on another. In fact, two specific content categories may perhaps suffice: Knowledge and Integrated Awareness, the latter referring to the transfer of Knowledge to practical performance (e.g. role-plays, a supervised practicum, chat sessions interventions...). These two categories could be assessed in equally broad holistic bands:

- Very Good: the trainee demonstrates a thorough knowledge of the issues/ the candidate demonstrates a fully professional integrated awareness in the performance.
- Good: the trainee demonstrates an acceptable knowledge of the issues/ the candidate demonstrates an acceptable, working integrated awareness in the performance.
- Fail: the trainee demonstrates an unacceptable lack of knowledge of the issues/ the candidate demonstrates an unprofessional integrated awareness in the performance.

If one were to prefer a further breakdown in constituent aspects of the Knowledge requirement, one could list a number of components such as:

- knowledge of the national/regional code
- knowledge of the national/regional association's code
- knowledge of the fundamental ethical principles of the code
- knowledge of the possible disciplinary procedures or criminal charges in case of a breach of the code

Concerning the transfer of the code to an integrated awareness into professional performance, one might pay attention to:

- fully integrated awareness of the main ethical principles of the code such as maintaining confidentiality and impartiality
- applying the code in such a way that it ensures proper professional interaction with all parties, including being aware of potential conflicts of interest, pointing out the code of conduct principle that

applies, informing both parties of the issue at hand, providing feedback to all parties when an aside could not be avoided, managing the necessary pronoun switching in dealing with the issue at hand, and not providing any other service or help

A simple assessment sheet could be drawn up indicating the following:

CANDIDATE		
Written Assignments	Knowledge	Integrated Awareness
1	Very Good (VG)	Not applicable
2	Good (G)	Not applicable
3	Not applicable (N/A)	VG
Class activities		
Oral presentations		
Practical assignments		

Figure 12: Sample of a simple assessment sheet

The final score (pass/fail) should reflect that the candidate has the knowledge, but above all the integrated awareness, to apply the code in one’s professional practice. In other words, the candidate must not commit any serious breach of the code in the practical assignments in the final training stage and be able to explain and justify the proper professional stance taken.

Portfolio assessment

Using a portfolio as a means of assessing the training received and experience gained requires a clear purpose, a set of concrete objectives, and transparent assessment guidelines. But assessment on the basis of a portfolio, including all sorts of reports of training activities, assignments, readings, feedback received, reflection on competencies related to the code of ethics, resources used, links, contacts, etc. might indeed be a valid option to consider.

Portfolio assessment is, ideally, a combination of formative (the candidate’s development towards mastery of competences) and summative assessment (in its final product presented). It is important that the candidate’s trajectory is solidly grounded in earlier or concurrent relevant learning and that sufficient development can be traced throughout the portfolio in increasing reflection and mastery of the competences.

Portfolios are usually submitted on paper or electronically. Assessment is on the basis of:

- an evaluation of the portfolio materials
- possibly (ideally?) combined with an interview/oral test (presentation) discussing the materials (the genuine ‘evidence’ included in the portfolio), the trajectory towards mastering the required competences, the degree of integrated awareness of the relevant competence
- the strength of the argument and presentation

It is obvious that an additional oral component involves considerable additional time, staff and costs. One might therefore want to opt for a comprehensive, concluding essay that requires candidates to touch on all of the above.

Assessment can be holistic on the basis of the two broad categories (Knowledge and Integrated Awareness) as they are reflected either overall in the portfolio or if so desired, broken down into the kind of materials produced (reports, observation sheets, interpreting assignments...), or into the constituent components of the Knowledge and Integrated Awareness categories as seen above in the continuous assessment section.

SUMMATIVE ASSESSMENT

If the screening test on ethics is developed as a summative test, either on-line or in a test or training centre, the following types of tests and questions could be considered.

A test on one or a combination of the following topics

An oral test is obviously much more time consuming, expensive and complicated to organise. One needs to decide whether the understanding of the issues at hand will differ substantially in a written test from the degree of thoroughness expected in a more ‘interactive’ oral test. We think this is unlikely to be the case, and for cost and efficiency reasons we would therefore recommend a written screening test taken either in the accredited test centre under supervision, or in a remote location if sufficient safeguards can be implemented concerning the identity of the candidate and the trustworthiness of the test procedure.

As regards test format and question type, the open-ended question format is recommended. This is because options on ethics issues in a yes/no type of question or in a multiple choice format often tend to be too self-evident or sometimes too subtle and therefore do not allow for what one really wants to test, i.e. a thorough understanding which can then be transposed into

professional practice and the development of a line of argument justifying one's reflections on ethical decisions. Moreover, given the subtlety and complexity of drafting and constantly revising multiple choice questions for face validity and possibly even being required to add 'guessing' correcting mechanisms, this would seem an inappropriately costly and labour-intensive effort and require considerable testing expertise. Therefore a written test using some of the following examples could be useful:

On a Code Issue

Q: Discuss the following ethical precept(s), with reference to the relevant code(s) and with reference to the implementation of this precept for professional practice. Illustrate your answer with experiential or hypothetical situational examples.

Interpret truly and faithfully

Observe confidentiality

Do not discriminate between parties

Q: How would you deal with the following professional issue(s) in the light of the relevant precepts in the code of conduct?

Disrespectful remarks to either the 'client' or the interpreter

Being asked for feedback about a particular case by a colleague translator/interpreter

Maintaining the boundaries of the professional role

Q: Discuss the ethical requirement of 'impartiality' with reference to the relevant code(s) and with reference to the implementation of this precept for professional practice. Illustrate your answer with experiential or hypothetical situational examples.

Q: Discuss what you think to be the five most important ethical precepts in the code of conduct of the legal interpreter. Illustrate your answer with experiential or hypothetical situational examples.

On a Case Study

Q: Analyse and discuss the following situation in terms and in the light of the code of conduct and of appropriate professional practice.

I was interpreting for a suspect and I noticed that he must be mentally handicapped. He sounded extremely childish, had a very limited vocabulary and sounded on the whole almost incomprehensible, repeating himself all the

time. I wondered whether a ‘literal’ translation would not give the impression I was ridiculing the suspect, so I left out most of the repetitions which did not add any relevant information anyway, I smoothened the grammar a bit so his argument became clearer and more coherent which I am sure helped the police officer understand the situation much better. I wondered whether at the end of the interview I should have mentioned to the police officer that I thought the suspect was mentally handicapped. (See [Appendix 2 for more examples](#))³.

Situational response exercises on controversial issues

Q: Analyse and discuss the following situation(s) in terms and in the light of the code of conduct and of appropriate professional practice.

What would you do if:

- *the witness utters obscenities or threats?*
- *you believe that the defendant or witness is lying to the court?*
- *you feel that the defendant is being poorly defended. You are convinced that the defendant/suspect is not being given adequate information (as you have worked in a number of similar/identical cases)?*
- *you are convinced, on the basis of your language/dialect proficiency, that the defendant/suspect does not come from the region/country (s) he claims? (See [Appendix 2 for examples](#).)*

On an issue raised in the literature

Q: Discuss the statement(s) with reference to the relevant code(s) and with reference to the implementation of this precept for professional practice. Illustrate your answer with experiential or hypothetical situational examples.

For example:

“It is thus not normally acceptable in court for an interpreter to point out to an examining lawyer that for cultural reasons a particular form of questioning is either impossible to render in the target language or would be understood erroneously by the non-English speaker; nor for the interpreter to explain cultural implications in the witness’s reply.” (Morris, 1999, p.18)

Confidentiality: “The sole exception to this rule is that interpreters may discuss linguistic or ethical aspects of an interpreting assignment with

3. For more examples see Townsley, 2011, pp. 184-85.

colleagues, provided they do not reveal the names of the parties involved.” (Mikkelsen, 1998, p. 24)

“A well-trained competent court interpreter will have the expertise to intervene to explain situations where potential misunderstandings arise, where direct equivalents are not possible, or where a linguistic strategy does not have the same effect in the target language”. (Hale, 2010, p. 452) ([See Appendix 2 for examples](#))

On controversial issues

Q: Discuss the controversial or even contradictory positions with reference to the relevant code(s) and with reference to the implementation of this precept for professional practice. Illustrate your answer with experiential or hypothetical situational examples.

Statement of principle	Contradictory statement
Legal interpreters should never offer advice.	Information on cultural guidance is acceptable.
Legal interpreters must not compete for business.	Legal interpreters are allowed to compete for business.
Legal interpreters should interpret all offensive and obscene statements.	Legal interpreters can ask the speaker if they would like to rephrase the statement.
Legal interpreters should never accept any gifts.	Small gifts in kind as a token of gratitude are acceptable.
Legal interpreters should never be seen alone with a party.	Legal interpreters can confer individually with the speakers e.g. for a briefing on the case, to provide cultural information after the session, for a language check, etc.

Scoring

When scoring this kind of test, the following should be considered:

This written test is taken in the language of the legal system of the country, whether that be the native language of the LI candidate or not. Consequently, the test assumes a degree of language proficiency that allows the candidate to analyse an issue, present an argument, explain reasons, justify behaviour. Although the test assesses a candidate's Knowledge and Integrated Awareness of Ethics, the lack of language proficiency should not undermine the comprehensibility of a point made or a situation explained. That is not to say that a spelling mistake, grammatical error or syntactic

flaw should invalidate the answer, but the evaluation must rest on whether the candidate – in real life, in professional practice –would be in a position to explain and justify professional practice according to the code. This in itself might be a reason to consider two independent raters for the test –to balance content v. language – and it would, if necessary, have the additional advantage of increasing the content validity and inter-rater reliability of the test. The following are the main considerations to keep in mind:

- Does the candidate demonstrate thorough knowledge of the relevant code(s)? Is the candidate able to identify the relevant ethical principle? (e.g. ‘This question is related to the principle of *Accuracy*.’)
- Is the candidate able to explain what the requirements and consequences of this ethical principle are? (e.g. ‘according to this article/principle the interpreter should...’)
- Does the candidate establish an integrated awareness of the transfer of the code to professional performance?
- Does the candidate explain how the question or issue raised, or the situation described, places an ethical principle of the code at risk and how this problem should be resolved?
- Finally, does the candidate explain her/his answer in a convincing way?

It is once more important to remember that in an assessment of ethical principles and situations we are not so much looking for a black and white, yes or no answer but for responses which, in however varied a way they may be formulated, demonstrate a good understanding (Knowledge) of the principles of the code and of ethical decision-making and the candidate’s ability to behave in a professional way in situations of ethical complexity or conflict (Integrated Awareness).

An overall holistic score of the answer(s) seems appropriate and a simple assessment sheet could be drawn up indicating the following:

CANDIDATE		
Ethics Test	Knowledge	Integrated Awareness
Q 1	Very Good	Not applicable
Q2	Good	Good
Q3	Good	Very Good
.../...		

Figure 13: Sample of a holistic assessment sheet.

ETHICS ASSESSMENT IN FINAL TEST INTERPRETING ROLE-PLAY(S)

Apart from a separate test on ‘ethics’ – which we recommend as a screening measure – one could argue that the candidate should not only be able to demonstrate a thorough understanding of the code of ethics and how to deal with ethical challenges in a professional assignment, but should also be able to demonstrate these competences in a practical performance, for example, a role-play. One could further argue that the full integration of the knowledge of the code in professional practice (or the lack thereof) will be best revealed in the final interpreting test, the role-play being a good tool for evaluating the candidate’s understanding and transposition of the ethical principles and choices. Such a test would consequently have great ecological validity.

Others might feel, however, that the insertion of ethical conflicts in what is essentially an ‘interpreting’ test complicates the assessment and distracts from the focus on the interpreting competences. If that is the case, one could consider complementing the written screening test (or the continuous assessment test), which we would recommend anyway, with an oral sequel to the role-play during which the various role-players and assessors would explore (and evaluate) the candidate’s competence on issues of the code, relating his or her performance to actual situations or hypothetical actions or responses in the role-play. Grading could be done according to some of the instruments suggested below.

In any case, it is clear that the insertion of ethical conflicts in the role-play requires that the candidates must know that dealing with potential ethical conflicts is part of the test and that the role-players must be briefed on how to deal with the candidate’s possible responses to the issue.

The script of the role-play could be a closed one, completely written out with the ethical challenges inserted at certain points and clearly indicated (also for assessment). Because role-players in a scripted role-play, for reliable assessment reasons, must stick to the script, it usually follows that the ethical issues inserted tend to be fairly straightforward yes/no situations (e.g. ‘would you please sight-translate this document for the client while I take a phone call in my office?’). Nevertheless, it is important to note in the script what the role-players should do if the candidate does not react in the deontologically correct way.

Alternatively, the role-play script could be an open format, in which case the role-players and assessors would have to agree in advance on a number of ethical and professional challenges, such as, and by way of example only:

- the other-language speaker starts shouting obscenities and insults
- the legal professional leaves the interpreter alone with the other-language speaker e.g. to fill out a form or go through a statement
- the other-language speaker threatens or tries to bribe the interpreter
- the legal professional/other-language speaker asks the interpreter not to interpret some information
- the legal professional /other-language speaker asks the interpreter for an opinion on provenance or veracity
- the legal professional/other-language speaker accuses you of taking the side of the other-language speaker, of twisting his words, of leaving out information
- the legal professional/other-language speaker utters racist remarks under his/her breath
- the other-language speaker asks you to carry some information to his family
- the legal professional asks the interpreter to summarize the gist of the information, as they are running out of time
- the other-language speaker asks the interpreter not to reveal some information
- .../...

Whatever the format, if one decides to incorporate ethical issues, every scenario should be ‘realistic’, of a sufficient length and complexity in order to allow, in this case, an assessment of ethical and professional skills. The role-play should allow the assessors to identify and evaluate how the candidate reacts when faced with an ethical dilemma, how well the candidate understands the code of ethics as an instrument to explain professional behaviour and, therefore, how well (s)he understands his or her role as a legal interpreter.

We recommend that ideally the role-play should be ‘performed’ by a legal professional (police officer, lawyer, judge, probation officer etc.) acting out their own role and by a native speaker (playing the role of suspect, defendant, victim, witness etc.), each contributing to the assessment their own appreciation of the way the ethics issues were dealt with. Again by way of recommendation, it could be observed by any number of additional assessors evaluating the other aspects such as terminology, language and interpreting skills, etc.

Assessment of the candidate’s competent professional ethical behaviour could be done by means of a holistic yes/no or pass/fail mark on the (various) ethical challenge(s) in the role-play on the basis of: Does the interpreter

in this instance take the correct professional, ethical stance? Alternatively, assuming a number of agreed ethical challenges have been inserted in the script and that the first ethical challenge is an aside – e.g. the suspect asks the interpreter whether he can take a message to his family – a number of performance criteria for dealing with this situation can be listed so the participants, who may also be the assessors, can evaluate and score the candidate's behaviour.

Ethics 1 (The aside)	Pass/Yes	Fail/No
The interpreter points out the code of conduct principle that applies.		
The interpreter informs both parties of the issue at hand.		
The interpreter remains calm and courteous.		
The interpreter provides feedback to all parties when an aside could not be avoided.		
The interpreter manages the necessary pronoun switching in dealing with the issue at hand.		
The interpreter sticks to the interpreting assignment and does not provide any other service or help.		
.../...		
Overall		

Figure 14: Sample of holistic yes/no or pass/fail assessment sheet.

Another assessment method would be grading according to a sliding scale (with an agreed cut off rate, say '3') as in the assessment example on the following page. The sliding scale may well be felt to be appropriate for assessing the different components of professional behaviour in a particular professional situation. In the above example, the candidate may well refrain from entering into the aside as such, but may do so without informing all parties of the issue at hand and do so in an unnecessarily abrupt way. The evaluators may express their more balanced evaluation of the interpreter's behaviour on the sliding scale – i.e. that it does not imperil ethical conduct but is not quite professionally felicitous – but they will need to decide in the end whether the performance, ethically speaking, is acceptable, demonstrates a good understanding of the code, of ethical decision-making and good professional practice.

Using this instrument, one needs to be aware of the fact that on the whole assessors tend to be drawn more towards the middle ('3') of the scale when they are not completely dis/satisfied, which sometimes obscures the issue. Therefore agreement needs to be established in advance among the assessors on how lenient or strict the evaluation of ethical performance criteria can or should be, but it should be clear that even one serious breach of one of the code's crucial tenets must be considered unacceptable professional behaviour and hence a 'fail' on this required competence.

Ethical Behaviour 1: The aside		
Indicator of mastery	Rating	Indicator of lack of mastery
The interpreter points out the code of conduct principle that applies.	°5 °4 °3 °2 °1	The interpreter does NOT point out the code of conduct principle that applies.
The interpreter informs both parties of the issue at hand.	°5 °4 °3 °2 °1	The interpreter does NOT inform both parties of the issue at hand.
The interpreter remains calm and courteous.	°5 °4 °3 °2 °1	The interpreter does NOT remain calm and courteous.
The interpreter provides feedback to all parties when an aside could not be avoided.	°5 °4 °3 °2 °1	The interpreter does NOT provide feedback to all parties when an aside could not be avoided.
The interpreter manages the necessary pronoun switching in dealing with the issue at hand.	°5 °4 °3 °2 °1	The interpreter does NOT manage the necessary pronoun switching in dealing with the issue at hand.
The interpreter sticks to the interpreting assignment and does not provide any other service or help.	°5 °4 °3 °2 °1	The interpreter does NOT stick to the interpreting assignment and provides other services or help.
.../...		.../...
Overall	°5 °4 °3 °2 °1	Overall

Figure 15: Assessment method using a sliding scale.

CONCLUSIONS

Given the fact that non-compliance can lead to disciplinary procedures and possible criminal charges we recommend that first, after certification LIs should be required to sign up to the code before being allowed on the register of certified, qualified LIs. Secondly, the code and everything it entails should be a constant concern of EULITA, the examining and certification authorities and the national/regional associations, on their websites, in their publications and during their continuous professional development events. LIs should also have the chance to become informed in an appropriate way of disciplinary actions taken in cases of breaches of the code. Finally, the authorities might also want to consider establishing a form of monitoring and supervision by ‘guardian angels’ of beginning LIs in order to support them in this process of professional ethical behaviour.

Respect for the code supports the perception of the professional role of the LI and helps other legal professionals to carry out their duties in an efficient way. That is why it deserves all our attention.

6. DEALING WITH LANGUAGES OF LESSER DIFFUSION

Cynthia Giambruno

In this chapter the challenges involved in providing quality interpreting services for speakers of languages of lesser diffusion will be analysed. The relevant issues include how to locate potential interpreters, how to evaluate their preparedness for work in the courts, what kind of training they should be given, and what information other legal professionals need in order to work effectively with this type of interpreter.

INTRODUCTION

Established legal precepts mandate the assistance of an interpreter from detention through trial to anyone detained and charged with a crime who is not sufficiently proficient in the language of the proceedings. Additionally, a recent EU Directive¹ extends the right to be heard, and therefore the right to interpretation, to victims of criminal activity. These guarantees are not conditioned in any way by the language community to which an individual

1. Directive 2012/29/EU of October 25, 2012 on the establishment of minimum standards on the rights, support and protection of victims of crime, states that «justice cannot be effectively achieved unless victims can properly explain the circumstances of the crime and provide their evidence in a manner understandable to the competent authorities» and that «interpretation should therefore be made available, free of charge, during questioning of the victim and in order to enable them to participate actively in court hearings (whereas 34). Article 7.1 mandates that «victims who do not understand or speak the language of the criminal proceedings (...) are provided, upon request, with interpretation (...) free of charge, at least during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their active participation in court hearings and any necessary interim hearings.»

in need of assistance belongs², by the educational level the individual has achieved, by the cultural beliefs and practices to which the individual subscribes, or by the difficulties involved in finding a qualified professional to provide the required interpreting services. Every individual has equal status under the law and thereby the right to services equal in nature and quality to those provided to any other individual. The question, then, is how to tackle the difficulties inherent in providing competent interpreting services in all languages, at all times, and in all places. Speaking realistically, this goal presents an extreme challenge to judicial authorities and to the agencies or individuals charged with procuring interpreting services, and there is no easy answer. There are, however, some useful strategies that can be employed.

Languages of lesser diffusion are also referred to at times as rare, exotic or minority languages³. Languages spoken by recent immigrants, indigenous populations, or members of a broader language community who speak a dialect of the majority language fall into this category. Of course, no language is rare or exotic by nature, and that is why a denomination that refers to the frequency of its use is more appropriate. As was mentioned in [Chapter 1](#), a language of lesser diffusion can be defined simply as one that has relatively few speakers in one specific location or geographical area in relation to the population as a whole, thus making it difficult to find interpreters for speakers of those languages when the need arises. (See [Chapter 1](#) for further discussion of what constitutes an LLD). Providing quality services for speakers of these languages is a multi-faceted problem. The challenge that faces service providers is three-fold:

- how to deal with “new” languages in a specific area (perhaps following a large or on-going influx of immigrants, for example) and therefore an increasing need for interpretation for speakers of these languages in the legal system
- how to deal with indigenous languages or dialects of majority languages that differ substantially from the standard (see [Chapter 1](#))

2. Whereas 36 of Directive 2012/29/EU states: «The fact that a victim speaks a language which *is not widely spoken* should not, in itself, be grounds to decide that interpretation or translation would unreasonably prolong the criminal proceedings.» (italics mine)

3. In the EU, the European Charter for Regional or Minority Languages distinguishes between official state languages, historical regional or minority languages, and immigrant languages. Regional or minority languages are «those that have been traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population.» (ECRML, Art 1.a). The Charter stipulates the use of interpreters in criminal, civil and administrative judicial proceedings when necessary (Article 9.1).

- how to deal with languages spoken by relatively few people for which there is only an occasional need for interpreting in the legal system

In all three cases, certain assumptions can be made:

- It is often difficult to locate competent interpreters or identify individuals who have the potential for becoming skilled interpreters in these languages.
- There is little or no training available to these individuals once they are identified.
- Rarely are there any clearly outlined methods for evaluating their level of competence or mechanisms for monitoring their performance to make sure that errors that could cause a miscarriage of justice are not being made.
- There is little assistance offered to other members of the legal profession (judges, attorneys, police officers, etc.) as to how to work with interpreters of these languages.

In spite of all of these challenges, progress has been made in several countries, and reasonable schemes for identifying and screening possible LLD interpreters have been developed. Training programs do exist and certification is available. For example, in Sweden certification is available in 40 languages, and in the Netherlands training and testing is offered in 20 languages. In Great Britain, DPSI testing is available through the IoL Educational Trust in over 40 languages, and a test is set up whenever three candidates from a given combination of languages request one. In Germany, testing for LLDs is offered less frequently than is testing in “major” languages – once every three years as compared to once every year – but it is offered ([see Chapter 9](#) for information on the practices of each EU Member State).

Outside of the EU, interesting examples are available from Canada and Norway. In Canada, the Immigration and Refugee Board is a major user and provider of interpretation services. This agency is responsible for hearing 60,000 immigration cases per year, of which almost 70% require language interpretation in some 220 languages. The national database of interpreters includes 1200 individuals in 267 languages and dialects (Edoo *et al.*, 2010). In Norway, a “stepping stone” system is used that provides 5 categories of practitioners, each of which is clearly defined and reflects different levels of skills, training and accreditation. The idea behind the approach is to inspire less experienced interpreters to get into the system and advance upwards through training and testing. It also serves as a means to encourage

institutions to engage the most qualified interpreters available. (See [section on Norway in Chapter 9](#)).

While most specialists and experts advocate applying the same certification requirements to all candidates, regardless of their language pair, in many cases this seemingly straightforward requirement is difficult to achieve. For example, if training and experience are required for certification, these requirements are often applied somewhat differently depending upon the language pair. As regards training, university level instruction is usually only available in a small number of languages, while courses organized for interpreters of other languages are often shorter and taught using the majority language as the vehicular language. Content is limited to topics common to all language pairs (ethics, the legal system, general interpreting techniques, protocol issues, etc.) and does not include topics related to specific cultures or legal systems. Practice in interpreting skills is not included as there is often no one to provide that practice or give feedback. Similarly, as regards experience, it is not realistic to expect speakers of languages of lesser diffusion to be able to accumulate a significant amount of experience in legal interpreting, especially if they are limited to a specific regional or geographical location. Thus, interpreting experience is often defined in general terms and includes any type of interpreting: conference, other types of public service interpreting such as medical or social service interpreting, and even any kind of *ad hoc* interpreting as long as some type of proof can be provided. Thus it is possible for individuals to be “qualified” as legal interpreters even if they have never interpreted in judicial or police settings.

THE FOUR-PHASE PROCESS: FIND, TRAIN, TEST, MONITOR

In spite of the difficulties involved in procuring adequate interpreting services for all languages in all places at all times, there are steps that can be taken as regards languages of lesser diffusion or those in lesser demand in the legal system. Several factors should be considered when designing procedures to screen individuals who will be asked to provide interpreting services in the legal arena. These factors can be divided into four phases:

- *Find*: The first step is to identify individuals who can be contracted as interpreters. In some cases, experienced or trained interpreters may be available. In others, individuals with potential will have to be identified and recruited.
- *Train*: Once individuals have been found, the appropriate training must be provided. This may range from familiarization with the legal

field for interpreters with other types of interpreting experience to coursework and mentoring opportunities for aspiring or novice legal interpreters who need to develop their skills and knowledge base.

- *Test*: Both screening and certification tests should be developed. Screening tests will help identify individuals who are clearly unprepared to work in the field and also those who have some or all of the required skills and knowledge sets. Certification tests should be administered to anyone who wishes to be exempted from training as well as to those who complete training to see if they have reached the required level of competence.
- *Monitor*: Members of the legal profession should be given guidelines on how to work with interpreters in general and with LLD interpreters in particular, on how to monitor their performance, and on methods they can use to ensure a good outcome.

Find: Identifying LLD interpreters or interpreter candidates

There are several avenues by which to locate already qualified interpreters or, if necessary, identify individuals with potential for becoming good interpreters. The following sources can be consulted:

Registers of qualified professionals. Whenever possible, an interpreter should be chosen from a national or regional register of qualified legal interpreters. Existing registers in other countries may (should) also be consulted. Through the use of video conferencing and remote interpretation, it may be possible to use a qualified interpreter who resides in another location (see Chapter 7). Another possible source would be registers of qualified legal translators. A qualified translator offers more guarantees than individuals who have never been assessed for any type of skill. Individuals who are qualified as translators may also have interpreting skills, although this is not always the case. Therefore a certified translator should be tested on interpreting skills before being allowed to interpret in legal venues.

Professional Associations: Professional translating and interpreting associations exist in many countries. There are also international and regional associations. Membership often requires specific training, experience and/or continuing professional development which may be pertinent to legal interpreting. However, unless proof of specific legal interpreting certification can be provided, potential interpreters taken from these lists should also be tested.

Consulates, embassies or major enterprises. Interpreters used by embassies and/or consulates or by firms who have commercial ties to the country where the other language is spoken bring some interpreting experience to the table. Individuals who serve as interpreters in these situations might be convinced to dedicate some time to preparing for the specific challenges of legal interpreting. They, too, should be tested for specific LI interpreting skills.

Reputable T&I agencies. Another possible approach is to contact reputable private translating and interpreting agencies. The larger agencies often have an extensive list of collaborators from a wide range of languages. However, it is important to remember that not all agencies adequately evaluate the skills of the individuals they employ, especially in the field of interpreting, so interpreters found through these channels should be formally assessed if the agency cannot clearly prove that careful evaluation of the necessary skills has been carried out.

Community leaders or community-based organizations. When the aforementioned channels do not produce results, it may become necessary to identify individuals from a specific language community who can be trained. This is particularly important when there are many variants of the same language or regional or dialectal language communities (see [Chapter 1](#) for a discussion of language variance). Sometimes social service agencies, teachers, or community leaders can suggest individuals who might be good candidates for training. Some reluctance or hesitancy about working with government, police or judicial authorities may be encountered when candidates come from small, cohesive communities. Thus assurances must be given to those individuals about their role and perhaps even their security. Once candidates have been interviewed and evaluated for potential, they must be provided with sufficient training and apprenticeship opportunities to guarantee that they can work to the standards needed to ensure that miscarriages of justice are avoided.

It is important to evaluate any training or experience an individual claims to have, regardless of his or her background. Those who have some experience present a special challenge because they may have been pressed into service as *ad hoc* interpreters, and their skills have never been assessed or their performance monitored. They may be unaware of the tenets of correct interpreting and professional ethics and may lack even a basic knowledge of the legal system in which they are working. Experience is not always a true measure of knowledge and skills, so it is recommended that even those individuals who can show that they have worked in legal settings should be

evaluated. Some will have the required skills. Those who do not, but seem to have potential and desire, should be offered further training if their language combination is one that is needed.

Train: Providing training and mentoring opportunities for aspiring or novice legal interpreters

Once individuals with potential have been identified, it is important to provide them with the training they need to be able to function effectively. There are several approaches to consider:

Training courses. For adequate interpreting services to be provided, authorities must invest in training for individuals being brought into the legal realm. Even conference interpreters who may be skilled in interpreting techniques need orientation to the specific requirements and practices used in legal settings. They may also need instruction on the code of ethics for LIs, the workings of the legal system, and the lexicon used in legal settings. Novice interpreters with some *ad hoc* experience interpreting for community members, or aspiring interpreters who have been identified as having potential for this field, must receive more complete training. Carefully designed programs would include interpreting techniques as used in legal settings (modes and skill sets); language development with emphasis on legal terminology and registers; ethics, good practices and professionalism; knowledge of the legal system; and problem resolution. Some of the training can be offered to all candidates, regardless of their language combination, using the majority language as the language of instruction. Those who cannot successfully complete training components in which the majority language is used as the vehicular language are not ready to interpret in legal situations. In addition to this kind of training, specific training in interpreting techniques and practice using role-plays and simulations of real court and police interactions is also necessary.

Observation of court proceedings and police interviews. Courtrooms and police stations can be quite intimidating at first. In order for novice interpreters to be able to work at their optimal performance levels, it is important that they feel comfortable in their surroundings. Observing situations similar to the ones in which they will find themselves and becoming familiar with the protocols, participants and functioning of court proceedings and police interactions is a good preliminary step. There are many good taped materials available on the internet (BMT2, ImPLI, etc.), but observation of real interactions is recommended whenever possible.

Mentoring and access to experienced interpreters. A group of experienced and skilled interpreters should be identified who can serve as mentors to interpreters just entering the profession. The more novice the interpreter, the more beneficial is the time spent with a seasoned professional. Observing good practice and being able to ask questions provides excellent preparation. While desirable, the mentor need not be an interpreter in the same language pair as the mentoree as much can be learned from standing in the shoes of a defendant or witness who only understands one side of an exchange. Having a mentor in every language pair is not feasible.

Test: Developing evaluation tools to measure interpreters' preparedness to begin work

The next step involves assessing individuals who have completed training or who come to the field with some experience. Once again, several approaches can be taken.

Screening test. A screening test can be administered to measure language proficiency in both languages. If a candidate does not show an acceptable level of mastery of both languages, training in the other skill and knowledge sub-sets might be a waste of resources. If a candidate does show sufficient proficiency, later screening of knowledge of the code of ethics and of the legal system can be carried out before a candidate's interpreting skills are evaluated (see [Chapters 2, 5 and 6](#)).

Job-specific skills evaluation. For novice interpreters who have received training and gone through a mentoring program, an evaluation by trainers and mentors can form part of a more formal test that would consist of the same exercises as for any of the other certified languages. For credentialed legal translators, a test of their interpreting skills is warranted. For conference interpreters who may be coming to the field of LI, an exercise that shows their ability to handle dialogic exchanges in legal registers and the sight translation of legal texts should suffice. Conference interpreters are generally skilled at the techniques used in long consecutive and simultaneous interpreting.

Monitor: Instructing other legal professionals on how to work with interpreters

Ideally, there should be mechanisms in place to monitor the work of all interpreters. This is especially true of novice interpreters, who are just starting out. Prior to the proceedings or interview, adequate preparation should

be arranged, such as providing the interpreter with information about the case, making available sample documents that might be used, and giving information about specific protocols and procedures for the type of case involved. After the fact, a debriefing session should be held to get and give feedback about the interpreted event. Other parties should be asked to give their assessment of the quality of communication as well.

Other members of the legal profession should be trained not only on how to best work with interpreters, but also on how to detect a breakdown in communication. In order to ensure that interpreting is successfully achieved, judges, lawyers, police officials and any other party to an interpreted event should be asked to do the following when working with an interpreter:

Pace of speech. Speak more slowly and break up discourse into shorter utterances. Pronounce clearly and gracefully accept a few requests for repeats.

Register and or complexity of speech. Simplify the language used or explain the meaning of some legal terms so that the interpreter can transmit the utterance correctly. Be accepting of a reasonable number of requests for clarification.

Reconfirmation of important information. Restate questions to reconfirm the information sought if there is any doubt about the accuracy or completeness of the interpretation or if the line of questioning is vital to the outcome of the case. Using different formats and questioning styles to elicit the same information more than once can often help identify situations in which the interpreting process is breaking down.

Interpreter ethics and good practice. Be aware of and respect the codes of ethics and guidelines for good practice that govern the legal interpreting profession. By being aware of what an interpreter can reasonably be expected to do and of the limitations set by the profession itself, misunderstandings and problems can be avoided.

MEETING IMMEDIATE NEEDS AND THE USE OF UNTESTED INTERPRETERS

In spite of good faith efforts to identify, train, evaluate and monitor interpreters of languages of lesser diffusion, the need often arises for an interpreter in a given language pair to begin to work immediately.⁴ Most legislative mandates require a qualified interpreter to be used whenever available but

4. See section on Emergency Responses in Hertog, E. (2001) *Aequitas*, pp. 40-41. http://www.eulita.eu/sites/default/files/Aequitas_Acces%20to%20Justice%20across%20Language%20and%20Culture%20in%20the%20EU.pdf

also allow for *ad hoc* or untested interpreters to be used in situations in which no qualified professional is readily available. In these cases, the courts and/or police must be especially careful in handling the situation. It is often heard that an *ad hoc* interpreter is better than no interpreter at all, but if there is a miscarriage of justice brought about by poor interpreting, this does not hold true. Here are some steps to be considered when a situation arises in which interpreting services are needed in a language for which there is no certified interpreter available:

Plan ahead. As soon as a suspect or victim is brought before police or a matter is docketed or posted on the court calendar, due diligence should be used to identify the language or dialect involved. Knowing the country of origin may not suffice. The exact type of proceedings that the interpreter is needed for and the charges involved must also be considered. An interpreter should then be located by accessing registers of qualified interpreters or by contacting other institutions or agencies that might be able to assist in identifying the appropriate person for the task, as explained above. Family members or friends should never be asked to interpret nor should their interpretations be considered valid.

Prepare a handbook for interpreters. When time constraints or immediate needs make it difficult to provide training, having a handbook available that anyone who is going to be asked to interpret can read is an effective tool. This handbook should include specific indications about the role of the interpreter, the limitations on the interactions that interpreters can have with the parties for whom they are interpreting, explanations of procedures and protocols the interpreter may encounter, and guidelines on how to handle difficult situations (e.g., the inability to translate specific terms or concepts, significant emotional stress exhibited by parties, requests for assistance from the individuals they are interpreting for, etc.). The handbook need only be prepared in the language used in the proceedings as any individual who cannot read and understand the information provided should not be allowed to interpret. Comprehension of the concepts and guidelines presented in the handbook should be evaluated in a subsequent interview with the candidate or by administering a short written test of some kind. Candidates who cannot successfully demonstrate that they have understood the material in the handbook should not be allowed to interpret.

Prepare glossaries of legal terminology. Ideally, bilingual glossaries should be prepared ahead of time in the languages most frequently required. Since this will not be feasible for every language, a monolingual list of the most

important terms should be available. Terms that may be used in a specific hearing should be reviewed with LLD speakers/interpreters prior to the event to ascertain if they understand them and to provide explanations when needed. LLD interpreters should be told that there is not always a word-for-word equivalent for every term or concept, and that they may need to provide an explanation rather than a strict translation. They should be assured that it is not only acceptable, but also required, to inform the judge and ask for an explanation of any word or phrase that they do not understand, regardless of who produces it (judge, attorney, defendant, witness).

Approaches to evaluating language proficiency and basic interpreting skills

Although it is imperative to use the most skilled interpreter available, experience shows that *ad hoc* interpreters are used in police stations and courtrooms when it is expedient to do so. It is also true that in many cases there is no accredited LLD interpreter available. When this happens, the very least that must be done is for there to be some kind of check as to whether or not an individual can perform to a minimum standard. This is an essential step when using an interpreter who has not been tested or certified through formal channels. Several methods can be used, and it is recommended that several be combined. A written exam should never suffice as a test of oral interpreting skills, but it may be useful as a screening test to eliminate individuals who are clearly unqualified. By understanding what skill subset each exercise is meant to evaluate, a decision can be made as to how to best evaluate an individual's readiness to interpret. Some of these methods are:

Written screening exercise. This method is used most frequently to ascertain the level of proficiency that a speaker of another language has attained in the language which is used in the proceedings. If a speaker of another language cannot demonstrate an adequate knowledge of the language of the courts, there is no need to continue to evaluate his or her skills. This type of screening exercise may consist of an objective type exam in the majority language or include an open writing exercise in which candidates are asked to answer a series of questions in short essay format in the majority language. The latter approach allows a candidate's language production skills to be better assessed than would be possible using an objective test (multiple choice, etc.). However, it requires individual grading and therefore more human and monetary resources.

Oral Interview. If the candidate is a native speaker of the other language, a carefully structured interview in the language of the proceedings should be carried out. Through the interview, information about a candidate's home language, educational and professional background, time residing in the country, region or area in question, familiarity with the legal systems, etc. can be ascertained. During the interview, different registers should be used to test for breadth of language proficiency. Candidates should demonstrate the ability to produce fluent speech on a variety of different topics that is grammatically correct, understandable to a monolingual speaker of the language (pronunciation, pace, etc.), and shows a good degree of lexical variety (vocabulary usage). Candidates should be asked to express ideas and concepts, and not just provide facts and concrete information. For native speakers of the language of the proceedings who speak the LLD as an acquired language, it is useful to ascertain the exact nature of the contact that individual has had with the other language (e.g. language development courses, other formal education under taken in the language, the amount of time and reasons for living in a location where the other language is spoken, and the types of interactions they have had). Documentation should be requested whenever possible. An ancillary assessor can be brought in to help determine an individual's readiness (see Chapter 1). This is usually a native speaker of the language involved (not necessarily an interpreter) who helps more experienced assessors carry out a structured interview and provides feedback on how well the candidate was able to understand and respond. If no native speaker is available, ask the candidate to answer questions posed in the majority language, using the LLD. Tape the interview for follow-up evaluation by someone not on site.

Written translation. Although this may seem unnecessary for an interpreter, and while it is true that many community-based interpreters may not have strong writing skills even though they have good oral communication skills, finding individuals who have well developed skills in all four language performance areas is preferable. Translation is also a way to screen individuals without needing a speaker of the other language. For many languages, there are texts on the internet with a well-translated equivalent provided (for example, the Europe Media Monitor service). A general text of some 250-300 words in the other language should be chosen for the candidate to translate. The translation can then be compared to the version provided in the majority language for general equivalency. It is important to remember that the translation is not going to "match" the one provided on the internet exactly, nor should it. What is important is that all of the information be

transmitted in a clearly understandable way without any modifications to content and message.

Interpretation exercise. As a first step, pre-interpreting skills can be tested. For example, a candidate can be asked to listen and reproduce/reformulate utterances or a short passage in the majority language (no interpreting required). Memory retention, concentration and attention to detail can be tested through majority language exercises. If an individual manages these types of exercises adequately, then a basic evaluation of actual interpretation skills can be carried out. There are internet sites that have recorded oral discourse in a variety of languages with a written text provided, as well as versions of the text in other languages. The recording can be played for a candidate who can be asked to do a consecutive or simultaneous rendition or provide a sight translation.⁵ For interpretation into the majority language, comparison of content to the written transcript provided can be carried out. For interpretation into the other language, an ancillary assessor or consultant from another location may have to be contacted. Once again, renditions that exactly match the original versions are not possible. A transfer of the meaning and content produced in a grammatically correct way that can be easily understood by a native speaker of the language is the goal.

Back translation or interpretation. When no text is available in the other language with an equivalent in the majority language, a useful technique is to provide candidates with a short text in the majority language and ask them to translate or interpret that text into the other language. Record the interpretation. After a reasonable amount of time during which the candidate is asked to carry out other activities, return the translation or ask the candidate to listen to the recording of their interpretation. Using these as a source text, ask them to translate or interpret the information back into the majority language. If the content is retained without major errors, omissions or additions, and if the grammar, structure and, in the case of interpretation, delivery and pronunciation, are acceptable, the candidate can be approved for temporary service.

5. In Canada, the authors of the White Paper on Quality Court Interpreting Services report that the text of the Universal Declaration of Human Rights, an official translation of which is available in 370 languages, is used for a sight translation exercise for languages in which no test has been developed. See <http://www.yorku.ca/igreene/documents/ACCAWhitePaper11b.doc>.

CONCLUSIONS

The best solution as we look forward is to create a system by which expertise and experience throughout the entire EU can be effectively shared across national boundaries. Hence the importance of the EU directive's emphasis on the creation of national registers of qualified individuals and initiatives such as EULITA. A well thought out structure and administration of a central European clearinghouse for information, ideas and resources, and an EU-wide register of national or regional registers would go a long way towards making it possible for authorities in one Member State to quickly identify and contact individuals in another Member State who have the expertise needed. The technology that exists today makes it feasible to establish high-quality remote communication links. When possible, interpreters of LLDs should be made comfortable with working remotely so that their abilities can be put to maximum use. Relay interpreting, a common practice in conference interpreting, should be considered in cases in which a qualified LLD interpreter is available in a remote location and with another language combination. In these situations, two interpreters would be involved in the event. Relay interpreting is based on the premise that it is preferable to have two competent interpreters to one questionable interpreter. Special consideration of security issues come into play, but projects such as the hub approach that is being used by the London Police are promising. The Avidicus Projects have contributed greatly to the understanding of how remote interpreting could be used in the future (see [Chapter 7](#)). Furthermore, being able to call upon experts in other locations to assist in assessing potential interpreters would be a positive step forward as well.

Finally, there should be some type of subsidy or funding for the training of LLD interpreters given that in many cases the amount of work available will not offset the investment that these individuals are asked to make. Many, if not most, must juggle the opportunities to interpret, which may be relatively scarce, with other employment. Some, as was mentioned earlier, will be reluctant to take on a role that may be misunderstood or misinterpreted in their home communities. Therefore, authorities must make serving justice an attractive option. This can only be achieved by recognizing the pivotal role that interpreters play in police investigations and judicial proceedings, and giving interpreters the respect they are due.

Key to achieving equal status and treatment for all individuals is the political will to mandate and fund the processes needed to identify and train individuals to the standards of quality that are required, and to require and organize valid screening and certification processes. More fully developed

channels of cooperation across regions and national boundaries are needed. New protocols which consider legal interpreting to be equivalent to any other type of interpreting could make it possible for resources that are available at the EU level to be made available to the judiciary and police. These protocols might include earmarking funds to subsidize member states for the cost of providing services in LLDs such as bringing in a skilled professional from another area or providing funding for the establishment of interpreting hubs or videoconferencing technologies so that displacement of a skilled interpreter is not required. They might include mandating reasonable remuneration schemes throughout the EU so that talented individuals are drawn to the profession. They might include providing subsidies to speakers of LLDs for training so that they are willing to invest their time and energies because they know that their efforts will be rewarded with improved earning power. Without strong political will, specific mandates, and funding, it is unlikely that significant progress will be made at the local, regional or even national level to resolve the problem. Only when interpreters gain equal footing with other legal professionals will a cadre of competent interpreters begin to emerge.

7. TECHNOLOGICAL SUPPORT FOR TESTING

Sabine Braun, Annalisa Sandrelli, Brooke Townsley¹

The objective of this chapter is to outline ways in which different technologies can be used to administer LI certification tests as a means to conduct them more efficiently and cost-effectively. Firstly, an overview of the different ways in which technologies can be used in interpreter testing will be given. Then the chapter discusses the various options available to develop, administer and/or mark screening and certification test via computer. The implications of using technology to develop computer-based tests are outlined in order to help readers make an informed choice on the basis of their needs and their circumstances, including available budget, time, space, equipment and IT support.

TECHNOLOGY IN TESTING: AN OVERVIEW

As was explained in [Chapters 2](#) and [3](#), when designing an interpreting certification test, test developers have to make strategic choices to ensure that the requirements for test authenticity, validity, reliability and viability are all met. In practice, this means taking into account various factors, including candidate numbers, available raters for each language combination, available equipment, availability to travel to the test centre on the part of candidates and raters, and so on. Depending on the circumstances, the integration of computer technology may be contemplated to solve some of these issues.

1. Although this chapter is the outcome of a joint project, “Technology in testing: an overview”, “On-site tests using traditional technologies” and “Web-based tests using asynchronous ICTs” (including “Using ICTs for screening tests” and “Using ICTs for interpreting tests” were written by Annalisa Sandrelli; “Case study” and “Study conclusions and recommendations” by Brooke Townsley, and “Remote tests using video and web conferencing” by Sabine Braun. The overall conclusions were jointly drafted.

Today Information and Communication Technologies (ICTs) are common in educational settings and they are used for both teaching and assessment purposes. Computer technology is used to create tests (the “information” component in ICTs), but also to administer them face-to-face or remotely (the “communication” component). In other words, there are computer-based tests that are administered off-line (with no need for an Internet connection) in a test centre, and there are web-based tests (i.e. on-line tests), which may be accessed and completed from anywhere, subject to adequate security measures being in place (e.g. ways to verify candidates’ identities and control the time available to them for task completion). Moreover, videoconferencing and web conferencing technologies make it possible for people to interact live via computer, even though they are physically in different places. This option may also be used for testing certain skills, as will be shown below in the section on Remote tests using video and web conferencing (pp. 125-138).

Foreign language assessment is a related field in which computer technology has been used for testing for years and it can yield interesting suggestions for the interpreting community. In foreign language assessment, tasks may be rated “live (in a face-to-face or on-line setting; in other words, *synchronously*, with a human interlocutor) or through a set of pre-recorded prompts (*asynchronously* i. e. via a computer; Winke 2013). This distinction can be successfully applied to interpreting certification schemes.

As was discussed in [Chapter 2](#), interpreter certification schemes may involve a screening stage and an interpreting test proper, each with several components. Some of the screening tasks may be written and some spoken, whereas in the interpreting test all or most of the components are spoken (with the possible exception of sight translation, which involves a shift from the written to the spoken medium; see [Chapter 3, Sight Translation](#)). Depending on their nature, some tasks may be more suitable for face-to-face settings, while others may lend themselves more easily to computer-based settings. In simple terms, it could be said that the tasks that are easier to deliver and mark via computer are the ones in which there is little human interaction. The higher the degree of interaction, the harder and more technologically complex it is to devise ways in which computers may be used in lieu of traditional face-to-face dialogue.

The easiest way to illustrate this is by outlining the possible integration of technology in the various tasks that have been suggested as part of the certification process. There are many factors that must be taken into account: the nature of test materials (live or recorded oral messages); the number of candidates for each specific language combination; the logistics of test administration (i. e. whether candidates and raters share the same physical

space or whether candidates will be assessed remotely via computer); the availability of reliable videoconferencing (or video link) facilities, broadband connections and IT assistance. All of these parameters can be combined in several ways, resulting in various scenarios:

- *Live texts in a face-to-face setting with real-time (synchronous) assessment*: This is the traditional way to administer an interpreting test. Speakers, candidates and raters are in the same location, the materials to be interpreted are produced live by speakers (actors or representatives of the legal services), and raters assess the performance in real time (synchronously). This situation allows for maximum authenticity by replicating real-life situations, but it is the most expensive option, since the budget must cover the cost of test development, speakers' fees and raters' fees. It is only suitable for relatively low numbers of candidates and/or when there is funding available. Although there is no need for computer technology during the administration of the test, it is advisable to (video)record and store all candidate performances for potential score grievance procedures.
- *Live texts in a face-to-face setting with asynchronous assessment*: Here speakers and candidates share the same physical space, the materials to be interpreted are produced live by speakers, and performances are recorded and assessed by raters at a later stage (asynchronously).
- *Recorded texts in a face-to-face setting with real-time (synchronous assessment)*: Candidates and raters share the same physical space, candidates translate recorded materials, and raters assess their performance in real time (synchronously).
- *Recorded texts in a face-to-face setting with asynchronous assessment*: The materials to be interpreted are recorded, and performances are recorded and assessed by raters at a later stage (asynchronously).
- *Recorded texts in an on-line (web-based) setting*: The materials to be interpreted are recorded, and performances are recorded and assessed by raters at a later stage (asynchronously). This is the most suitable option for large numbers of candidates, as it may simply involve recording test materials and making them available to candidates via a secure server. The candidates' recordings may be made available to raters via the same system or may be sent by email or post at a later stage. In this case, appropriate security measures and procedures must be in place to ensure candidates take the test on their own, with no external help, under standard test conditions (see [Chapter 8](#)).

- *Live texts in an on-line setting via videoconference or web conference:* The materials to be interpreted are produced by live speakers and raters assess the performance in real time (synchronously), but speakers, candidates and raters do not share the same physical space. Speakers and raters may be together in the test centre, while candidates take the test remotely, candidates and speakers may be in the test centre together, while raters are connected from somewhere else, or candidates, speakers and raters may all be in different places. This option saves travel time and is useful when geographical distance is a serious problem; however, it requires technological tools and IT assistance for all participants and in all the locations involved. The technology, connections and logistics are still relatively expensive (at least in some countries) and a technological set-up of this kind may not be 100% reliable under test conditions. A back-up solution would involve recording all test interactions at all ends (candidates' homes and test centres) to make sure nothing is lost if the connection breaks down.
- *Recorded texts in an on-line setting via videoconference or web conference:* Candidates and raters do not share the same physical space (candidates may be in the test centre, while raters may be somewhere else, or vice versa), the materials to be interpreted are recorded, and raters assess the performance either synchronously or asynchronously. This option requires a good connection at all ends (candidates, test centre and possibly raters' homes or offices) but saves time/travel costs for both candidates and raters. A robust hardware and software set-up is required, and like option 6, there are some risks involved.

All of these options are discussed later in the chapter.

To sum up the above considerations, when discussing the role of technology in interpreter certification testing it is possible to distinguish between:

- uses of traditional technology, e.g. to support recording on-site tests
- use of asynchronous ICTs to administer web-based tests (especially screening tests)
- use of synchronous ICTs such as videoconferencing or web-based conferencing, especially to support live interpreting tests

Each of these aspects will now be addressed in turn, to outline the pros and cons of each choice.

ON-SITE TESTS USING TRADITIONAL TECHNOLOGIES

The most common type of technology that all interpreter trainers and examiners are certainly familiar with is recording equipment. In the not-too-distant past all recording devices were analogue (tape recorders), whereas now the majority are digital, but the operating principles are roughly the same.

Recording candidates' performances in on-site tests

The most widespread use of recording equipment in interpreter certification tests is to record candidate performances for later reference. All certification agencies are advised to have test result grievance procedures and one of the key aspects is the availability of a recorded version of the candidate's interpreting performance in order to provide feedback or get a second opinion from another rater. Owing to the highly interactive nature of interpreting tests, video recording is preferred over audio recording if the necessary equipment is available, since interpreting competencies include being able to understand the speakers' body language (gaze, gesture, etc.), being able to manage one's own body language, positioning, turn-taking dynamics, and so on. These are all aspects that require visual cues and can only be assessed either live or via a video recording of the performance. Indeed, in some rating scales the role of non-verbal language (body language) is acknowledged explicitly.

Recording interpreting performances becomes absolutely vital when raters cannot be physically present at the test centre on exam day and have to carry out the assessment at a later stage (asynchronously). They can receive the recordings by surface mail or email, or they can be given access to an on-line repository with all the test materials. In other situations, the problem may be the available budget. If the certification agency cannot afford to have both speakers and raters in live tests, examiners have to play the speakers' roles during the test and rate the performances afterwards, watching the video-recordings (it is not optimal for the same person to act in a live role-play and assess the interpreter's performance at the same time).

The following points can be regarded as vital points for this setting:

- Get technical assistance before, during and after the tests. This is crucial even though this set-up is the least onerous in terms of technology.

- Use video cameras rather than audio-only recorders. Use small, non-intrusive equipment and position it so that at least the test candidate can be seen.
- Use two cameras to guarantee a back-up (in case one breaks down or recording space runs out). If only one video camera is available, an additional audio-only recording should be made.
- If available, use video cameras with a large capacity hard drive to avoid running out of recording space during tests and with a power plugin to avoid running out of power and/or having to change batteries on the test day.
- Make sure the test candidate is identifiable in the recording, i.e. record their name or identification number at the beginning of the test.
- If you use exchangeable media such as mini disks, make sure these are labelled properly when they are removed from the camera.
- Test all equipment thoroughly before the test.
- Establish procedures for handling technical problems/breakdowns on the test day.

Use of recorded test material in on-site tests

Recording equipment may also play a role in the administration of an interpreting test. Certification agencies may prefer to use recorded texts rather than live speakers for various reasons.

If there are no speakers available, recording the texts in advance enables test developers to sit in the test room as raters, thus saving time and money. In this case, the test needs to take place in a room equipped with a multimedia computer and video camera(s) at the very least. Candidates come in one at a time, listen to the recorded text and interpret it, whilst raters assess the performance in real time (synchronously) or asynchronously.

If the number of candidates is too high to make individual testing feasible, then recorded texts may be used to test all or a large number of candidates at the same time. In this case a language laboratory or an interpreting room with workstations is essential. All the candidates listen to the recorded materials, carry out the test and record their performances at the same time. The recorded performances are assessed by raters at a later stage (asynchronously). Thus, the test proper does not take up much time, the room is not occupied for days on end, and examiners can double up as test developers (before the test), invigilators (during the test) and raters (after the test). However, the logistics may be complex. Conducting a test in this

way will normally require a server on which the test material is stored and accessed, and a local network to connect the workstations to the server. The requirements for this are similar to the use of web-based ICTs to conduct a test, which will be described.

Depending on the available space and equipment in the computer lab where the test takes place, it may or may not be possible to record the candidates' performance on video. It may also not be necessary, because the use of recorded test material reduces the candidate's opportunity to interact with the speaker(s) and results in more artificial body language. This is one of the main disadvantages of using recorded material.

The following points emerge as the most important points in this scenario:

- Technical assistance is crucial in this set-up.
- If a network is used, a network administrator is required to set user authorizations for candidates and raters, to create logins and passwords, etc.
- The capacity of the network will determine the number of concurrent test candidates. If video clips are used in the test, it must be possible for all candidates to play these without delay.
- The method of recording the candidates needs to be identified, i.e. do candidates record themselves on an external video or audio recorder, or is their performance recorded and stored on the network?
- All equipment must be thoroughly tested in advance.
- Procedures must be established for handling technical problems/breakdowns on the test day.
- The recommendations given earlier in this chapter for recording the test candidates should be followed ([see pages 113-114](#)).

WEB-BASED TESTS USING ASYNCHRONOUS ICTs

In recent years, the advent of web-based ICTs has greatly expanded the potential applications of technology to interpreter testing and has opened up opportunities for remote testing. Web-based ICTs can be used for remote testing using recorded test material, thus obviating the need for test candidates to travel to a central test centre, as long as test security can be guaranteed and candidate identity can be verified. At present, these prerequisites may exclude the possibility that candidates take the test from the comfort of their own home, but their travel time and cost could be reduced by using facilities of intermediary institutions, e. g. computer labs in universities, as local or regional test centres.

Another fundamental question concerns the appropriateness of using recorded test material. This section will discuss the use of web-based ICTs to deliver recorded material for screening tests and interpreting tests proper. An illustrative case study will also be presented and discussed.

Using ICTs for screening tests

The aim of prior screening is to make certification tests more cost-effective and more manageable by weeding out candidates who are not eligible to take the interpreter certification test because they do not have some of the minimum skills required (see [Chapter 3](#)). Screening is perhaps the part of the certification process that best lends itself to being administered and rated via computer. However, since the whole idea of prior screening is that it should not be time-consuming and should also be cost-effective, the logistics of each situation, the available budget and the technical expertise of the test developers must always be taken into account before deciding whether all or part of the screening test can be computer-based. It is relatively easy and cheap to devise computer-based written tests, but it must be borne in mind that there is no off-the-shelf software for this kind of testing.

Another key consideration is whether the computer-based screening test is to be administered off-line or on-line, and whether candidates are required to travel to a central test centre or can take the test from their own homes or regional facilities that serve as test centres. If a central or regional test centre is involved, it is important to have a very clear idea of the room and equipment needs (computers and necessary software), as well as whether the appropriate testing procedure is in place. If the test is taken from the candidate's home, the equipment checklist is even more important, as it concerns not only the certification agency's end but also (and perhaps more importantly) the candidate's end. The checklist includes computers with the appropriate specifications, required Internet connection speed, a secure server and an appropriate on-line environment. In this regard, it must be important to point out that the creation of an on-line test platform is resource intensive and should only be considered if there are clear cost benefits to be had (i. e. high numbers of candidates, widespread use of technology and very good Internet connection in the country in question, etc.).

The first decision to be taken is whether the language screening component will test only the candidates' reading, writing and grammar skills or also their listening and speaking skills. While creating written language tests that can be automatically scored is relatively simple, developing computer-based oral tests is much more complex. A recent study on assessing Italian oral

language skills via computer-based exams showed that they are as reliable as face-to-face exams, but require a complex set-up involving the video recordings of all the oral performances, their uploading to a secure server and their later scoring by human raters. The creation of the on-line tasks and the technical constraints encountered by some of the participating sites made the experience logistically complex and time-consuming (Newhouse & Cooper, 2013). It is likely that technical difficulties will gradually decrease as technology and available speed of Internet connections improve everywhere; however, if the development and administration of web-based screening tests turns out to be too time-consuming and expensive, then a more traditional approach should be taken.

Certification agencies must also decide whether they are going to be testing candidates only in the official language of the country or in the Other Language as well and whether they expect similar levels of competence in both. For example, it has been suggested elsewhere that in order to function as competent LIs, candidates need at least a C1 level in both (Hertog, 2011). Another important decision for test developers is whether to use recognized language tests (the Internet-based TOEFL test, for example), or whether to develop their own (and in this case, they have to decide how to construct them). If the latter option is chosen, it is worth knowing that, in addition to various kinds of commercial software, there is open source software available that enables test developers to create language exercises (for example, a set of Microsoft Word macros called *Teacher's Pet* to create written cloze, jumbled paragraphs, pair matching puzzles, multiple-choice quizzes, etc. See Sandrelli, 2011b). Moreover, some on-line learning environments, such as *Moodle*, support specific plug-ins that make it possible to create multiple-choice quizzes, true and false exercises, gap-fill exercises, etc. that can be scored automatically. However, it should be highlighted that virtual learning environments have not been developed for testing purposes, and security issues must be taken into account together with the cost of technical maintenance and ensuring there is a secure server.

A computerized version of a written language screening test is especially useful for languages for which there is a high number of candidates, as it is a relatively inexpensive way of administering and marking these tests. Indeed, in its recent review of current practices in Australia, NAATI has suggested that it will be offering potential candidates an on-line written test in both languages (English and the other language) to determine if they meet the language requirements needed to sit for the (relatively expensive) interpreting test (Hale *et al.*, 2012, pp. 7 & 40). The test will be self-administered and autocorrected upon payment of a fee.

As regards knowledge of the legal system and the testing of ethical knowledge, certification agencies have to decide whether candidates are going to be tested only on the legal system and practices of the country where they are going to be working or on the legal systems of the country or countries where the Other Language is spoken. If the latter option is chosen, it is important to be aware that for some languages spoken in many countries and also used as a *lingua franca* (see Chapter 1), it might be unrealistic to expect candidates to be familiar with the legal systems of all of them (clear examples are English, French, Spanish, Portuguese, Arabic). Once again, if a test is to be administered, the easiest and most economical way to do this is to develop an on-line multiple-choice test that could be scored automatically. More labour-intensive approaches entail having candidates write essays or answer open questions, options which would involve human raters and therefore would be more expensive and time-consuming.

Using ICTs for interpreting tests

As regards the interpreting test proper, one important aspect to be taken into account is task specificity and how easy it is to adapt specific parts of the test to a computer-based environment. The considerations discussed in the previous section concerned interpreting tests in general, but did not make reference to individual components.

In all of the scenarios outlined below, certification agencies are required to develop an on-line testing platform that candidates can access via a secure server (with username and password). As was pointed out above, there is no ready-made, off-the-shelf environment to do this, but only VLEs (virtual learning environments) which could perhaps be adapted for testing purposes, and authoring tools to develop the actual exercises (e.g. *Black Box*; see Sandrelli, 2011a). Once again, reliability and speed of internet connections, security issues concerning candidates' identity, and the need for back-up procedures in case of communication breakdown are crucial to ensure that no record of candidates' performances is lost. Bearing this in mind, it could be said that each component of the interpreting test has specific requirements:

1. *Monologue consecutive*: The candidate listens to an audio clip or watches a video clip whilst taking notes. Then the candidate delivers his/her rendition, which may be audio or video recorded, depending on available equipment and on whether raters are also going to assess the non-verbal aspects of his/her performance. If the candidate takes

the test at home, a webcam may be used, making sure that it is set up properly (position, sound levels, screen resolution, etc.) to ensure acceptable results. At the end of the test, the candidate uploads his/her rendition to the server. From a purely technical point of view, it is also possible to develop an on-line environment in which the candidate's performance is recorded and stored automatically, without his/her intervention.

2. *Simultaneous interpreting*: The candidate listens to an audio or video clip and performs simultaneous interpreting using headsets and a microphone. Once again, the on-line environment may be used only to administer the test (i.e. to display the source language video), whilst the recording of the interpreting performance takes place in the candidate's home or in the remote test centre and the resulting file is uploaded at the end, or the on-line platform is conceived as an integrated environment in which the candidate plays the SL speech and records his/her TL rendition. The former case places a great responsibility on candidates who should be focusing on the task at hand and not on the technical aspects of the test; the latter is a much better option but requires a back-up solution in case of connection breakdown.
3. *Sight translation*: An on-line sight translation test consists of displaying a text on the computer screen and recording the candidate's rendition at the same time. It is important to establish in advance whether candidates are allowed to read or at least skim through the text before they start recording, and to make sure proper procedures are in place to prevent candidates from re-reading the text or stopping the recording. One proprietary software (*Black Box*; Sandrelli 2011a) makes it possible to set a time limit for the exercise, after which the text disappears and/or the recording stops. It also makes it possible to display only a few lines of text at a time, with the text scrolling upwards automatically, beyond the candidate's control. However, it should be pointed out that the software has been developed for interpreter training, not for testing. In theory, it should be possible to integrate a similar functionality in a testing platform, but it must be highlighted that no ready-made platform is available at this time, nor is there any research on the effectiveness of using this kind of technology for testing purposes.
4. *Dialogue consecutive*: Candidates listen to a recorded dialogue and after listening to each speaker, they deliver a target language

rendition. The dialogue to be interpreted basically consists of a series of recorded prompts. This is the most problematic use of tests that are computer-based, since, as was pointed out by Sandrelli (2011b, p. 216) in a paper on teaching dialogue interpreting, “if trainees mistranslate one segment of dialogue, the following turn does not change, because the student is not talking to a human being”. In other words, the use of recordings as source materials to be interpreted only makes it possible to assess the candidates’ relaying skills but not their dialogue management skills. The same considerations, of course, apply to testing and will be further explored in the case study that follows.

Case study

Evidence gathered from an on-line interpreter testing programme run at Middlesex University (London) gives an indication of how far the cost and administrative challenges posed by the live testing of legal interpreters can be mitigated by the use of on-line digital technologies, and to what degree.

The programme

Between August and December 2011, Middlesex University was engaged in the design and operation of an interpreter assessment instrument based exclusively on on-line testing. The function of the instrument was to assess the capacity of the interpreter candidates to carry out simultaneous interpretation of legal discourse from English into their non-English language and one-way consecutive interpretation from their non-English language into English. The results generated by the testing instrument were intended to confirm whether candidate interpreters were working at the level indicated by their interpreting qualifications, (particularly in the field of simultaneous interpretation), and to monitor the quality of their renditions into English. It was intended also to use the data to identify areas where further professional development was required and to weed out candidates who were unfit for work in the judicial environment. The estimated number of interpreter candidates and the time scale within which the quality assessment process had to be completed presented a particular challenge to the test designers. It was thought initially that between 3,000 and 4,000 candidate interpreters would need to be quality checked (tested and graded) over a 3-month period, from October to December 2011, although in reality the number in the first phase was around 1,000.

The approach

Given the volume and time requirements with which the quality assessment programme had to comply, it was evident that live testing of candidate interpreters was not feasible and that only an on-line testing programme could hope to deliver the results required. To this end, an on-line testing instrument based on pre-recorded video-clips was prepared to be delivered to individual interpreter candidates via an internet connection and a PC terminal. The video clips were of two types. The first set consisted of an English speaker delivering a speech at a rate of 120 wpm containing legal discourse and terminology for the candidate interpreter to interpret simultaneously into their other language. The second set consisted of non-English language speakers delivering a witness statement. In this test, the software allowed the interpreter candidate to pause the video clip in order to deliver a consecutive interpretation of a section of speech, and then to resume playing. Video clips were streamed on-line to candidates from a central server and their interpreting performances recorded and uploaded back to the server for storage. Although in the first phase interpreting tests were delivered on-line to multiple candidates attending test centres in locations throughout the UK, the system was later expanded to allow for individual candidates to take the quality assessment test from their own PC or a terminal located in an office.

Assessment and grading were also carried out on-line. Assessors logged into the central server to access recordings and graded the performances on-line using testing rubrics and scoring grids to assess interpreting performances. The data collected in this way was then delivered to the end user client as required.

Evaluation of the programme

A retrospective evaluation of the programme reveals the possibilities and limitations of on-line interpreter assessment.

It is evident from the experience described above that this type of assessment methodology lends itself best to testing interpreting activities that contain a low degree of dialogic interaction between the interpreter and speakers. Thus simultaneous interpretation of a monologic speech and uni-directional consecutive interpreting, either long or short, can be successfully tested using this methodology. In both cases, as there is no dialogic component to the interpretation, the renditions generated by the interpreter can be analysed and graded without reference to interactional management skills. The same applies to the assessment of oral sight translation as the skills required in carrying out an oral sight translation of a written text (textual analysis,

reformulation, terminology, etc.) can all be assessed using digital recording without reference to the interpreter's interaction with an audience.

The pre-recording of monologues and dialogues for use in the tests also allows for standardization in the delivery of the test. All candidates using a particular test script receive the same lexical and semantic content, the same prosodic features and terminological challenges, and in the case of simultaneous interpreting, the same tempo of delivery of the source speech. The on-line assessment approach also allows for a high through-put of candidates in a given period of time. Further materials (source speeches and different language options) can also be incorporated into the central databank of test materials without difficulty and at a low cost, providing an adaptable and growing testing resource across a range of languages.

When the assessment of dialogic interaction is required, however, the limitations of using asynchronous ICTs for interpreting assessment are clear. Although a lexico-semantic analysis of interpreter renditions is possible using on-line assessment, a valid assessment of an interpreter's interaction management skills using exclusively pre-recorded on-line materials is not. The evolution of interactive ICTs such as videoconferencing and web conferencing technologies suggest that, given sufficient technical input and resources, an approximation of the demands of dialogic interaction could be simulated in an on-line environment, and an overview of emerging options will be given later in this chapter, but these are not unproblematic. Therefore, in order to assess this aspect of interpreting performance, it is still recommended that live speakers engaged in a simulated interpreting role-play be used rather than ICTs.

Study conclusions and recommendations

Web-based on-line testing does offer the possibility of processing high numbers of test candidates simultaneously across a range of languages and in different physical locations, with attendant economies of scale and reduced staff costs; the number of candidates is limited only by the amount of bandwidth available and the resources available for scoring. As long as test security and candidate identity can be verified, tests can also be delivered to any location linked to the internet, thus obviating the need for dedicated testing centres. Finally, the use of pre-recorded source texts eliminates the inherent challenges to standardization posed by the use of live speakers. Materials developed for on-line delivery can also be used repeatedly in a range of settings without incurring further significant cost. Finally, the use of a central server to collect and store candidate performances streamlines

the administration of the test and facilitates distribution to raters. The limitations on the reproduction of the interpersonal communicative competencies required for face-to-face dialogue, however, make on-line testing of the type described above unsuitable for the testing of dialogue interpreting.

Irrespective of whether a traditional live role-play format or an on-line delivery format for the testing is chosen, a full testing team will be required to ensure that all aspects of test validity (e.g. face validity, authenticity, uniformity across languages and between raters) are ensured. These features of developing a valid testing instrument are common to all test-setting activities and are dealt with elsewhere in this handbook (see [Chapter 2](#)).

Deciding to use web-based technology to deliver a testing programme is a significant commitment. In addition to the testing team mentioned above, it requires personnel with technical expertise in software and equipment beyond that of the average layperson. It is recommended therefore that, before any commitment is made to this type of testing, the testing team ensures that they have access to technical support at the level required. Without this firm technical underpinning, any programme relying on on-line technology is likely to encounter serious difficulties.

Planners also need to consider matters of software, digital infra-structure and hardware. As noted above, one of the opportunities on-line testing offers is the possibility of testing either in a dedicated testing centre (which offers advantages in terms of test security) or on an individual basis, for example on a home PC or at a place of work. In both cases, the quality of the internet connection is crucial to the success of the testing. A high-speed broadband connection is a fundamental requirement, and in all cases candidates will need access to standard PCs equipped with sound cards, headphones and microphones. End users should also check whether there are firewalls, anti-virus software, restrictions on internet access, or pop-up blockers on the end-user PC or network that might interfere with the delivery of the video stream.

The physical environment of the candidate interpreter when taking the test also needs to be taken into account. The terminal where the test is sat must be in a quiet space, free from sound interference from other users or general noise in the environment. In a test centre this means having either individual booths for each candidate, or if in an open room, ensuring that there is sufficient space between candidates to ensure that speakers do not interfere with each other. Assistants to support and advise candidate interpreters using the software and equipment must also be on hand at all times. No matter how simple to operate an on-line programme may be, there will

be candidates who need support on mastering the simple controls or confirmation that they are doing the right thing.

In addition to the physical environment and the required hardware, dedicated testing software will also be required. In the case study from Middlesex University London, a software programme designed specifically for the purpose was used. The software ‘greeted’ candidates, instructed them how to operate the test and then played the relevant streaming video clips. The software also automatically managed the capture of the interpreting performances and their storage on the central server. Designing such a software programme is, however, a significant undertaking and one that demands time and financial resources. Test developers may therefore want to consider lower specification ‘off-the-shelf’ software that can be used for on-line testing. Simple audio-only recordings for the interpretation of monologue, for example, can be easily made using the widely known ‘Audacity’ software freely available on the internet (<http://audacity.sourceforge.net/>). Most PCs and laptops also have built-in capacity for recording both sound and video using built-in or plug-in cameras, thus offering the opportunity for testing teams to make their own video clips for the use of interpreter candidates. Bear in mind, however, that the quality of amateur video is very different from the quality of professionally produced video and that this difference may impact negatively on the face value of an on-line test. Using off-the-shelf solutions also does not provide important features of bespoke testing software, such as test administrator management capabilities, administrator and student access rights and security features. In short, have your streaming video clips and software designed by professionals to the greatest extent that your finances will allow.

Bandwidth is a further technical matter to consider when using streaming video from a central server. An on-line testing instrument may run flawlessly during testing when only one terminal is streaming video from the central server; when twenty or more terminals are streaming video simultaneously, however, the performance can deteriorate as available bandwidth is used up. Ensure therefore that you have established in advance the maximum number of candidates who can be logged in simultaneously without experiencing loss of quality and that you test with that number of terminals running at the same time. If necessary, increase the bandwidth allocation at the central server.

Finally, testing teams using on-line testing must bear in mind that, eventually, a technical problem is certain to occur. These can range from the minor (a frozen terminal or a break in the streaming video) to the critical (a complete outage of internet connection or a central server failure). It is

essential therefore that a set of procedures be agreed in advance for dealing with interrupted tests. Ensure that there is a facility for a candidate's test to be reset, using a different source text, and that there is a stand-alone back-up of the test that can be loaded on to a PC in the event of connection failure. With these essential back-up measures in place, the testing team can be reasonably confident of a successful testing session, even in the event of unforeseen technical difficulties.

REMOTE TESTS USING VIDEO AND WEB CONFERENCING

This section focuses on highly interactive ICTs such as videoconferencing and web conferencing. These ICTs allow users at different sites to interact synchronously in real time. As the asynchronous ICTs described previously show, video and web conferences can be used for remote testing, i.e. to test candidate interpreters who are not physically present at the testing site. Moreover, video and web conferencing enable other agents, i.e. speakers and/or raters to participate remotely. Most notably, video and web conferences can help especially to overcome the limitations of asynchronous ICTs in testing interactional aspects of interpreting. They are thus particularly useful for the interpreting test proper. Chen and Ko (2010) looked into the possibility of on-line synchronous tests for candidate interpreters and conducted an experiment that included consecutive interpreting of monologue, dialogue interpreting and sight translation. From the results and feedback obtained, Chen and Ko conclude that synchronous remote testing is a realistic possibility.

Furthermore, web conferencing technology, especially 3D virtual environments, can help to test conceptual knowledge, i.e. knowledge of the legal system, in innovative ways, especially through the use of simulations. The present section focuses on the potential use of videoconferencing technology and 3D virtual world technology to test candidate interpreters. Whilst the use of videoconferencing appears to be a realistic possibility at this point in time, the use of 3D environments and simulations may be interesting to explore in the mid-term.

In addition, the increasing use of ICTs also raises the question of whether the digital competence of candidate interpreters, especially their competence in working via videoconference link, should be included in interpreter tests. Braun *et al.* (2012) and Hlavac (2013) address the question of whether interpreters should be trained and/or tested in video-mediated interpreting and present data from surveys conducted with practising interpreters and examiners that indicates support for this idea.

Videoconference communication

Videoconferencing has created new opportunities for communication in professional and educational contexts. The simplest way of using a videoconference (VC) is a so-called peer-to-peer VC involving two sites. Peer-to-peer VCs are typically done with a PC or laptop, but today also with a tablet or mobile device. Alternatively, a VC can be conducted as a multipoint VC connecting more than two sites. With traditional VC equipment, this requires a multipoint bridge to connect all sites. Today, web-based services such as Skype and Google+ offer multipoint videoconferencing for a small fee (e.g. Skype, GoToMeeting) or no fee (e.g. Google+, Microsoft Lync).

One of the great achievements of VC technology is that it enables people who are geographically separated to see each other and to communicate in real-time. The ability to interact live with remote participants along with the availability of low-cost and free web-based VC services makes VC communication an attractive and cost-effective for option for testing, especially for interpreting tests proper. However, the use of VC is not without problems, which need to be acknowledged and addressed in the context of testing.

Research postulates that VC communication is generally less effective than face-to-face communication (Finn *et al.*, 1997; Hauber *et al.*, 2005), although different evaluations have been derived for the efficiency of VC in different contexts. Short *et al.*, (1976) claimed that many communication media have a limited capability of transmitting important verbal and non-verbal cues, leading to a reduced 'social presence' between participants. Since Short *et al.* also believed that social presence is more important for achieving social tasks such as conflict resolution and negotiation than intellectual tasks such as decision-making, it has often been assumed that VC is more suited for the latter. However, conclusive evidence is not available (Ferran & Watts 2008), and many communicative purposes have not been investigated systematically in terms of whether VC supports them efficiently.

When considering the suitability of VC in interpreter testing, it has to be borne in mind that the participants in VCs are exposed to different influences at their respective sites (e.g. background noise or disruptions). Moreover, they only have a partial and two-dimensional view of the remote site, i.e. they see what is captured by the camera and presented on the screen. Direct eye contact is difficult to achieve, because the participants in a VC must make a choice between looking at the screen (to see the video image of the remote participants) or looking into the camera (to give the remote participants the impression that they are being looked at). In addition, especially in the equipment used for small-group VCs, the video image tends to be small

and and/or sketchy. The sound quality can be problematic, too, depending on the hardware, the available bandwidth and the transmission protocols used, e.g. whether a minimum bandwidth is guaranteed or not.

The physical separation of the participants and the extract-like view of each other's environments make it more difficult to gauge the situation at the remote site and therefore tend to create a latent uncertainty about what 'the other side' does and means. The observed consequences include, for instance, unnatural ways of speaking, a tendency to speak louder, over-elaborate and be less coherent, and fatigue (Braun 2004). VC participants have also been found to spend more time on explicitly co-ordinating the communication (O'Malley *et al.*, 1996; Olsen *et al.*, 1997). Furthermore Ferran and Watts (2008) argue that VC communication increases the participants' cognitive load because coordinating the communication, creating (the illusion of) eye-contact and other tasks – all to be carried out while processing what the speaker is saying – take up cognitive resources. Ferran and Watts observe that the high cognitive load entails new information-processing strategies in VCs. Visual cues such as the likeability of a person are shown to become more important than the content of what is said. Similar concerns were also voiced by researchers investigating the use of VC in legal settings (see Braun & Taylor, 2012a for an overview).

Given the challenges of VC communication, it has often been emphasised that VCs are useful for communication of a short duration and within a small group of participants. Whilst these prerequisites seem to be met in interpreter testing, the limitations of videoconferencing have to be borne in mind in the assessment of the use of VC. Moreover, the combination of videoconferencing and interpreting has been shown to create additional challenges, which will be outlined in the next section.

Videoconferencing and interpreting

Despite the concerns about VC communication, criminal justice institutions across Europe increasingly turn to VC as a means of saving costs and speeding up legal proceedings. This development also concerns interpreters. On the one hand, the use of videoconferencing to facilitate communication e.g. between a court and a party to the proceedings, means that interpreters are increasingly required to work in video links (Braun & Taylor, 2012b). On the other hand, access to qualified legal interpreters has become a major concern, and Directives 2010/64/EU and 2012/29/EU explicitly refer to the use of videoconferencing as a means of gaining access to a qualified legal interpreter ('remote interpreting').

However, research into VC-based legal interpreting has highlighted that this method of interpreting is challenging. For example, the comparative studies of traditional and VC-based interpreting conducted in the European AVIDICUS 1 and 2 projects (Braun & Taylor 2012, 2014) reveal that VC-based interpreting magnifies known problems of interpreting to a certain extent. In particular, the following problems were identified, albeit to a varying extent across different studies:

- listening and comprehension problems
- difficulties with communication management
- problems with rapport-building with the other participants
- traditional interpreting strategies, such as visual signals, are less effective, e.g. in allowing the interpreter to take the floor and interpret
- other strategies, such as oral intervention to take the floor or resolve a problem, tend to feel more disruptive
- a range of psychological and ergonomic problems occur
- interpreters seem to tire faster in video-mediated interpret

As a consequence of these problems, the interpreting quality in VC-based interpreting tends to be somewhat lower than the quality in comparable face-to-face situations, i.e. with respect to linguistic and semantic categories but also in terms of delivery (Braun 2013). This does not mean that VC technology cannot be used to test interpreters, but if it is used, the challenges need to be borne in mind, and due care needs to be taken to avoid interference of technology-induced problems with the aims of the test.

Furthermore, the quality of VC-based interpreting is influenced by a range of factors that should not be considered in isolation. One of these is the quality of the technology, especially with regard to sound and image quality, lip synchronicity and stability of the connection. The balance between equipment costs and communication quality needs to be considered carefully. Other factors include the positioning of all participants in relation to the camera, visibility and noise levels. These parameters can be addressed through careful preparation of the VC, but they partially depend on the specific participant distribution. Potentially useful participant distributions for remote testing will be discussed in the next section.

Videoconference-based interpreting tests

The configurations that are currently used in the practice of VC-based interpreting provide a relevant starting point for solutions for testing interpreters.

Remote test candidates

One likely configuration is the use of VC technology to link remotely located test candidates to the test centre – shown in [Figure 16](#) below. As the speakers would be located in the centre and could thus interact live, this set-up would be particularly useful for testing dialogue interpreting skills when travel time and cost would prevent the candidate from being able to take the test. The raters could also be in the test centre and conduct their assessment in real time. Alternatively, the test could be recorded and rated asynchronously.



Figure 16: Remote test candidate.

Two basic prerequisites are the identification of a suitable remote location for the remote candidate and the verification of his/her identity. The former includes the question of whether candidates can participate from their own home or whether they need to travel to a local test centre. The decision will depend on the availability of equipment and bandwidth at the candidate's home, bearing in mind what was said above about the quality of equipment and bandwidth. In other words, the questions arising here are similar to the questions arising for the use of asynchronous ICTs. By contrast, verification of the candidate's ID should be less problematic and could, for example, be done through the use of a photo ID at the beginning of the VC.

This VC set-up, in which the test candidate is the remote participant, is comparable to the set-up of 'remote interpreting', where a peer-to-peer VC is used to link to a remotely located interpreter. This is normally perceived as being the most difficult method of interpreting (Braun & Taylor, 2012b). A further prerequisite for this set-up in particular is therefore the availability of high-quality equipment and sufficient bandwidth to ensure that the test candidate is not unfairly disadvantaged by the problems characteristically associated with low-end VCs (e.g. poor sound and image quality, problems with overlapping speech).

The above configuration saves travel time and cost for a test candidate, but it is still resource intensive from the point of view of those responsible

for conducting the test. Alternatively, a multipoint VC could be used to link multiple remote candidates to a test centre at the same time (Figure 17). They could record their performance locally and upload it to a server but the possibility of real interaction between the candidate and the speakers would be lost.

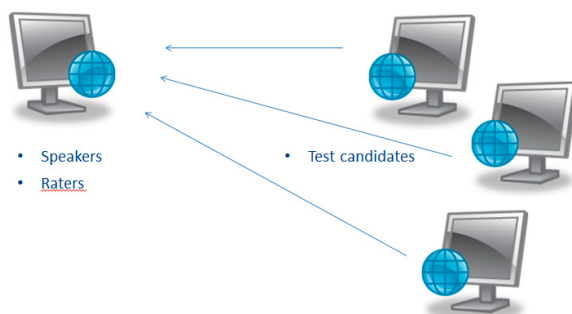


Figure 17: Multiple remote test candidates.

A similar option would be to use recorded material instead of live role-players, and have remote candidates interpret the material while raters either observe them in real-time or rate their performance at a later stage. However, this could be achieved with asynchronous ICTS, and one of the main advantages of VC communication, i.e. the possibility of live interaction, would be lost.

Remote raters

A further likely configuration is a peer-to-peer VC, which enables other agents to participate remotely. For example, one or several raters could participate from a remote location whilst all other agents would be located in the test centre (Figure 18).

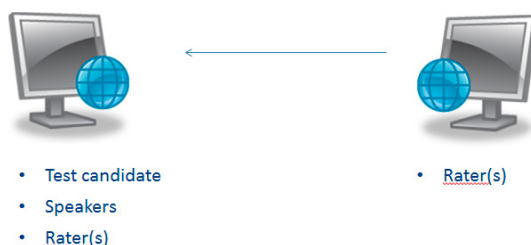


Figure 18: Remote rater.

Problems with identification would not arise here, as long as the remote rater is a certified examiner. Moreover, the remote participation of a rater would not involve any element of remote or VC-based interpreting for the test candidate, because the candidate and the speakers would be in the same location. The only ‘hurdle’ to be overcome would be that of the remote rater’s perception of the interpreting situation. However, it is anticipated that this would not be particularly problematic since the raters would be passive participants who would not interact with the agents at the test centre site. Moreover, since the VC link would not be used for interpreting as such, it would be easier to accommodate lower-end VC equipment and bandwidth (within reason). This would more easily enable raters to participate from their home computers, achieving considerable savings in terms of travel time and cost.

Even greater flexibility with regard to the location of the raters can be achieved by using multi-point VCs (Figure 19). This set-up can accommodate several remote raters, whilst the role-players and the test candidate would still be present in the test centre.

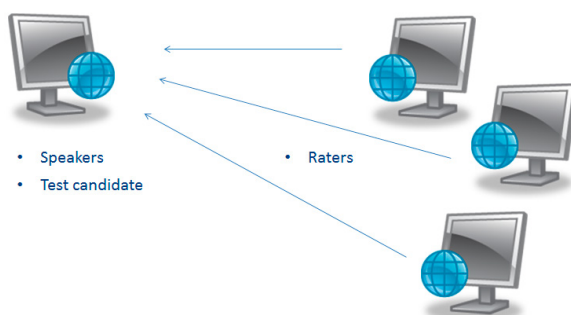


Figure 19: Multiple remote raters.

Remote speakers (role-players)

In this set-up, one of the speakers who acts as a role-player for dialogue interpreting – e.g. a speaker of a rare language – would be the remote participant (Figure 20).



Figure 20: One remote speaker.

Given the candidate's presence in the test centre, this set-up would not yield any verification problems. However, it would involve one type of VC-based interpreting, similar to the situation in which two sites, such as a court and a prison, are linked via VC and the interpreter is located at one of the sites. Although interpreters find this set-up easier to deal with than 'remote interpreting' (Braun & Taylor, 2012b), the challenges of VC-based interpreting would still come into play here, and the prerequisites with regard to equipment and bandwidth which were outlined above under "remote test candidates" would apply as well. Despite its challenges, this set-up would constitute a very useful solution for overcoming shortages of rare-language speakers. In principle, this set up would give test centres access to the speakers they need regardless of where the speaker is located (including in other countries).

A more complex but conceivable setting would be a setting in which the speakers (role-players) would both be in different locations (Figure 21).

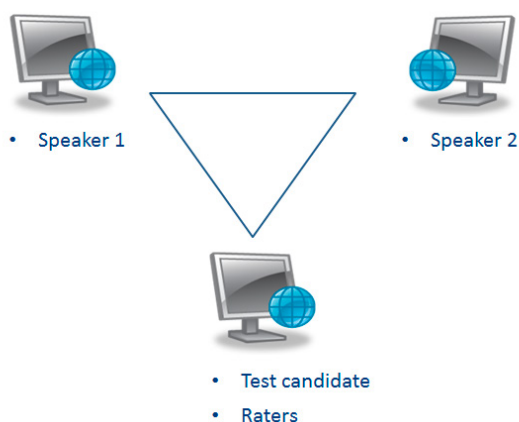


Figure 21: Remote speakers in a multi-point VC.

However, this setting has received little attention in interpreting practice and research (see Braun, 2007). It is currently explored in the framework of training in the European project EVIVA (Lifelong Learning Programme), in which the potential of VC and web conferencing tools for role-play practice in interpreter training is assessed. Given the limited experience with this setting, caution would be required when it is used for testing.

Conclusions and recommendations for videoconference-based testing

Given the possibilities that VCs offer, a number of configurations are conceivable to meet the needs of different countries and test centres. Although largely unexplored in interpreting practice and research to date, more complex multi-point VC settings are likely to emerge over the next few years, especially in legal settings (e.g. remote participation of lawyers in court). As a general point, however, the challenges of VC communication have to be borne in mind when such configurations are used for testing. Equally important, each configuration will have specific challenges. For example, a configuration that is unbalanced, especially where the test candidate is the only remote participant, is likely to be more challenging for the test candidate. Furthermore, an asymmetrical or mixed configuration, e.g. a set-up in which one speaker and one rater are linked via VC whilst another speaker and other raters are in the test centre, will add complexity. It may be difficult to manage and may make it difficult for the participants to keep an overview of the participant distribution.

Given the many possible configurations and their likely specific challenges, all candidates in one cohort (e.g. in one language group for a particular year) should be tested using the same configuration to avoid a technology-induced bias in the speakers' and candidates' performance and/or the raters' decisions. To reduce the complexity of a configuration, it is also possible to record a VC and to assess the candidate's performance asynchronously.

To conclude, the following points should be considered:

- VC technology is useful for testing candidates in situations of live interaction; when recorded material is presented, the use of asynchronous ICTs is more useful and viable.
- Some allowance may have to be made when the interpreting performance of candidates tested via VC is compared to the performance of candidates tested with traditional methods. Ideally, however, all candidates in one cohort should be tested using the same method (i.e. either on-site or via VC).

- Furthermore, given the many different ways of using VC in testing, the same configuration should be applied to all candidates in the same cohort in order to avoid technology-induced bias, at least until more experience has been gained with the different configurations outlined above.
- An induction of test candidates and the other participants will be required, and time needs to be allocated for preparing a test via VC, e.g. to ensure that the participants are positioned appropriately in front of the camera (avoidance of awkward angles, being out of shot etc.) and that the sound quality is good.
- The quality of the VC needs to be adapted to the specific configuration. For example, if the test involves the physical separation of the test candidate from one or all of the speakers, then high-end equipment should be considered to avoid problems with sound and image quality and other vital parameters for interpreting. When the VC is used to make a connection between a test centre and remote raters, a lower-end VC may be sufficient.
- The required quality of the VC will determine the location of remote participants (at home or in another suitable facility, e.g. a university with good VC equipment and fast internet connection).

Use of 3D virtual environments as a form of web conferencing in interpreting tests

Another, albeit more ‘futuristic’ type of ICT that can be considered in the context of training and testing is a 3D virtual environment, i.e. a virtual ‘world’ that is created using computer graphics to imitate or simulate aspects of the real world. Although such virtual worlds are often used as entertainment and may be perceived as ‘games’, their use in education has increased as 3D virtual environment technology has matured. Given the rapid developments in this area, and given the usefulness of 3D environments for simulations, their use for testing may be considered in the mid-term. In particular, environments that allow multiple-user interaction with the environment through ‘avatars’ (virtual representations of users) are considered to be very engaging environments for educational purposes to support distance learning.

The European Lifelong Learning project IVY (Interpreting in Virtual Reality 2011-12, coordinated by the University of Surrey) created a 3D virtual environment to simulate professional interpreting practice. This environment offers a range of virtual interpreting scenarios (see Figure 22) that are populated with relevant spatial objects (context related furniture,

ittings and backdrops, etc.) and robots, i.e. avatars that are controlled by the environment. The environment allows students to practise interpreting with recorded material and to interact live with other students.



Figure 22: Virtual interpreting scenarios – IVY Visitor Centre reception, office, and courtroom.

Simulations using recorded source material for interpreting

When a student using the IVY 3D environment chooses to work with recorded material, the audio files are projected onto robots, creating the impression that the robots are the speakers/role-players who interact with each other. Students participate in the scenario with their own avatars in order to practise interpreting. An audio player is integrated into the environment. As a default, the user listens to a predetermined segment until it finishes before interpreting it but such functions can be adapted to different requirements including the requirements for tests. The environment is critically underpinned by an ‘admin’ panel, a kind of dashboard that makes it easy to upload recorded material into the environment.

Simulations using live interaction

By contrast, the possibility of interact live with other users (i.e. with their avatars) provides a virtual space for conducting role-plays. If used as a test

environment, this could be used to test a candidate's interactional skills, at least to some extent. Although candidates and speakers would not be able to see each other, they would see each other's avatars, and the 3D environment with its 'lifelike' objects would create a sense of space, and possibly a sense of presence. The environment would thus be capable of overcoming one of the most important setbacks of many other on-line test environments, i.e. the lack of live interaction.

Drawing on the specific advantages of 3D environments, this type of environment could be developed for remote testing despite the absence of video images. One of the advantages of the IVY 3D virtual environment, for example, is that the user can move around in the environment (with their avatar) and can view each virtual interpreting scenario from different perspectives. All interpreting scenarios offer different seating or standing options for the user's avatar. In a testing environment, these options could be exploited to test the candidate interpreter's knowledge in this regard. Such options also set the 3D virtual environment apart from videoconferencing environments where this is less well or not possible (e.g. if the candidate interpreter is separated from the examiners, it will not be possible to simulate seating order).

Simulations to test conceptual knowledge

Given that 3D virtual environment technology is a rapidly developing segment of the IT sector, driven by the gaming industry, their adaptation for interpreter testing in the future is conceivable. In addition, and perhaps more feasible in the short term, such environments can be used to simulate aspects of legal communication and be used to test candidate interpreters' knowledge of the relevant legal systems and procedures.

An example of such more 'restricted' and guided uses of 3D simulations is the LearnScapes project developed by the University of East London ([see next page](#)). It targets law students and provides them with an 'immersive' experience in which they take on the role of a newly qualified barrister, preparing to defend their first client in court. The content of this learning module immerses students in the legal environment, familiarising them with relevant terminology as well as professional behaviours, legal etiquette, courtroom procedures and case research. A similar simulation could be developed to test the legal knowledge of a candidate interpreter.

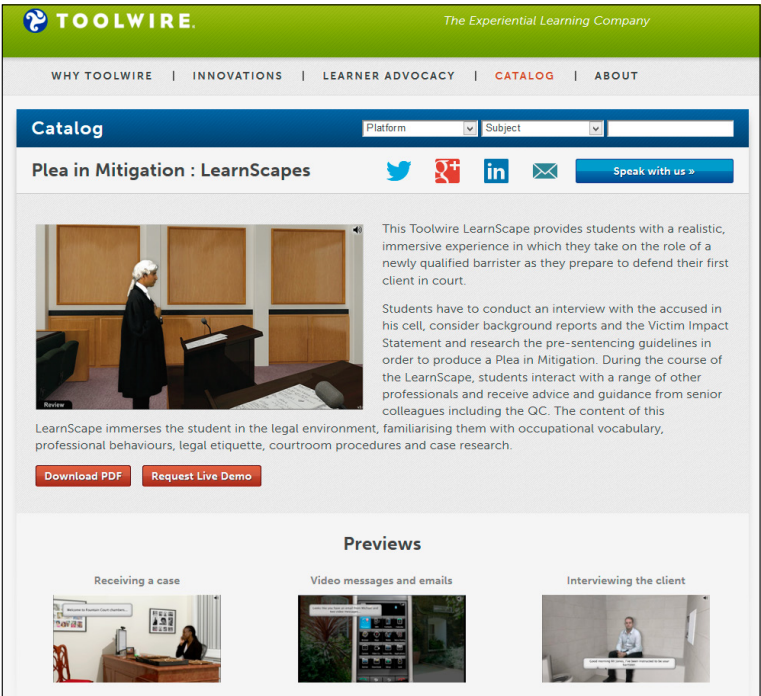


Figure 23: LearnScapes Project².

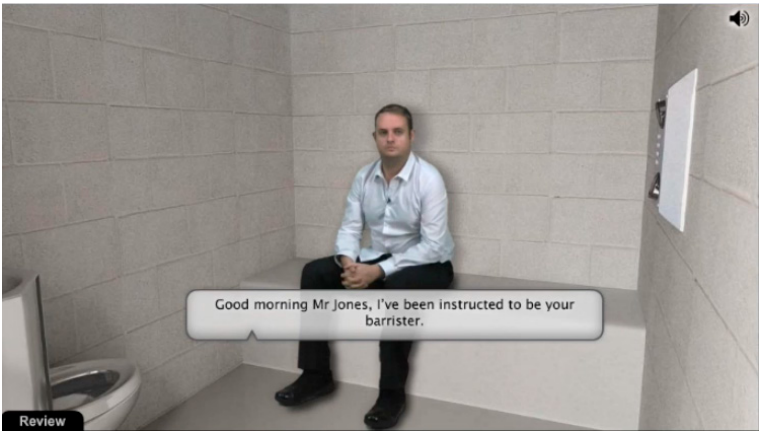


Figure 24: LearnScapes Project³.

2. Source: <http://www.toolwire.com/catalog/courses/plea-in-mitigation>

3. Source: <http://www.toolwire.com/catalog/courses/plea-in-mitigation>

Conclusions and recommendations for 3D simulations

A basic but important feature of 3D environments is the wealth of opportunities for synchronous communication and interaction, which have been shown to have positive effects on the learning process. It is this feature together with the simulation and immersion capabilities that makes 3D environments worth considering for testing purposes. In the near future, the simulation/observation aspect may be even more interesting than the live interaction aspect.

The idea of immersion in the scene is in line with the concept of “situated action”, an important pedagogical concept that is especially relevant in interpreter training. One of the most important features of virtual worlds in this respect is that they provide ‘augmented capabilities’, i.e. opportunities to perceive a situation from different perspectives (e.g. taking different positions and roles) that could otherwise only be gained from experiencing that situation in the real world, which is often difficult or impossible to do, especially in a test situation.

At the same time, virtual worlds at present still seem ‘alien’ to many of us. They also presuppose access to computers with high-end specifications to run the virtual world client software. Moreover, the threshold for using them efficiently is high (steep learning curve), and they may create anxieties in less-computer-savvy users or may at least put them at a clear disadvantage. However, with advances in web-based 3D technology, these problems are likely to diminish in the future.

CONCLUSIONS

A survey on the use of technology by interpreting practitioners and examiners and on the use of technology in interpreting tests was carried out by NAATI (Hale *et al.*, 2012: pp. 80-83). It confirmed that IT is widely used in the profession mostly for preparation before assignments and only by a minority during assignments themselves, for example in videoconference interpreting settings. However, the majority of respondents believed that the use of technology is becoming increasingly commonplace. A European survey focusing specifically on the use of videoconference-based interpreting in legal proceedings shows that these methods of interpreting are already fairly well established in several European countries but that interpreters find them challenging, that they would welcome opportunities for training, and that criminal justice services have plans to increase the use of videoconferencing and interpreting (Braun & Taylor 2012b). As regards using computer technology in interpreter testing, most respondents to the NAATI survey were in

favour of recording candidate performances on tests, either as audio or video recordings. They also made the point that for rare language combinations (and smaller language communities), audio recordings are preferable, to make sure that raters are not influenced by a possible personal acquaintance whilst rating a performance.

As was discussed earlier in this chapter, some components of the interpreting test lend themselves more to being delivered via computer and even in an on-line environment. The more problematic task is dialogue interpreting assessed by role-play, but interactive ICTs can provide cost-effective solutions for this.

In addition to the case studies mentioned in this chapter, there have been a few experiences of on-line testing using live materials, by using videoconferencing technology. The main problems reported in those trials concerned the speed of connections and the consequent quality of audio and images, both during the test and of the recordings that were obtained (Hale *et al.*, 2012, pp. 82-83). However, with broadband becoming faster and more widespread, it is likely that technical issues will be solved in the near future. Attitudes towards on-line testing were more cautious, with trial participants highlighting potential problems, such as lack of familiarity with technology by candidates, stress caused by technical problems, and the reliability of internet connections during the test. They were much more positive regarding the use of ICTs to communicate with other examiners, i.e. in post-test rating, not in testing as such. The idea of a repository on a secure server to exchange marking sheets and similar materials was also considered interesting.

However, given the high demand for interpreter testing and certification and given that this demand is unlikely to be met with traditional methods of testing, the use of ICTs for testing rather than for peripheral communication in relation to tests is an option whose potential should not be under-estimated. As long as the basic challenges and drawbacks of asynchronous ICTs and of videoconference communication are acknowledged by tests developers, as long as different ICTs are used in accordance with their potential and as long as basic recommendations outlined in this chapter are followed, the use of these ICTs, including videoconferencing, for testing can be considered to be a realistic option. The use of other web conferencing tools, especially 3D simulation, would require more development and adaptation for testing purposes, but a joint European initiative that takes a lead on developing and evaluating different ICT-based options and their affordances for testing might be able to make an important step forward in ICT-based testing.

8. THE ORGANISATION AND ADMINISTRATION OF CERTIFICATION SCHEMES

Cynthia Giambruno, Hilary Maxwell-Hyslop, Roelof van Deemter,
Han von den Hoff

This chapter looks at the administrative aspects of implementing a certification process. It considers what is required at all stages, starting with initial test development and going through to the storage of results. Areas covered include planning and publicising a test, creating a candidate handbook, establishing rules, regulations and financial procedures, evaluating test location preparedness, covering staffing needs, reporting results to candidates and addressing security issues.

INTRODUCTION

The organisation and administrative aspects of developing a certification scheme are as important as the design and development of the assessment instrument itself. Without adequate planning, control, and monitoring throughout the entire process, even the best test can be rendered invalid due to faulty administrative procedures. There are several steps involved in the operational side of testing and certification, each requiring specific attention. In this chapter, a step-by-step approach is taken to each of these operational aspects.

PRE-TESTING STAGE

Establish a time-line for the assessment procedure including test development, identification and training of raters, organisation of the testing day(s), rating of tests, reporting of results to candidates, grievance or appeal procedures, final posting to register (if one exists) and maintenance of results.

Don't forget to calculate the time needed to publicise the test to potential candidates.

Design management strategy. The person/s or institutions charged with the organisation of the overall assessment process must have a clear mandate as they will ultimately be responsible for decisions made as regards what type of assessments will be developed and administered, the quality standards that are established, the independence and uniformity of the assessments and the mapping of the assessments to national or European standards. It may be advisable to create an independent Assessment Board to oversee the entire process and to monitor the quality control mechanisms that should be in place.

Complete preliminary administrative steps. An official name for the process must be decided, a logo designed, a website developed, and copyright protection established. Communication tools such as newsletters, social media, networking, list serves, etc. should be organised and e-mail addresses assigned to key personnel. Headed stationery should be printed and other signage and branding tools prepared. Staffing needs, qualifications and job descriptions, compensation and benefits should be determined. Consider options such as embedding the process in an agency or division that is already functioning, working in collaboration with independent institutions such as universities, or outsourcing some aspects to established and reputable service providers.

Decide requirements for sitting the test. Establish the qualifications candidates must meet in order to be allowed to sit for the interpreting test (for example, training, experience, citizenship or right to work status, a clean criminal record etc.). The requirements can be established by judicial authorities, members of a national register or an official assessment board and may vary according to the language pair involved. Another option is for a tiered system to be instituted (full certification, partial certification, otherwise qualified, etc.). Exemption, waiver, resit and renewal rules should also be established.

Identify qualified individuals to develop and design the test. The team should include as broad a range of specialists as possible to monitor content and validity. These include: professional interpreters with experience in legal interpreting; academics from the fields of interpreter training, testing and psychometrics, philology and the law; members of the legal profession such as judges, attorneys or other judicial officials; and representatives of police

and security forces. Test development sessions should be planned and sufficient time allocated for the development of the assessment scheme.

Determine test development, item writing and scoring methods. From an administrative perspective, guidelines should be provided to test developers as regards the parameters that have been set for the assessment process (language pairs, test format, length of test, type of scoring, etc.). Decisions made will inform the test specification (see Chapter 2).

Prepare a candidate handbook that includes all the pertinent information test candidates will need to prepare, register for and take the test. Information should be provided on requirements and exemptions, the application procedure, fees and payment options, test dates, locations, the test format, task specifications, assessment criteria and level required to meet the criteria. Sample tasks and questions, abbreviated test exercises or full practice tests (or links to them) should be provided. Other types of information that should be made available to candidates include an explanation of the value of certification (i.e. access to the national register and national recognition, if any, and mapping to levels of national or EU qualifications), Reasonable Adjustments, Special Consideration, and grievance or appeal procedures. Providing detailed information to candidates will reduce the number of individual inquiries. Finally, information regarding how to contact assessment authorities, how to carry out a preliminary self-assessment to determine preparedness for the test, and where to find training workshops, courses or self-study resources is also useful. A website is an effective way to disseminate all types of information.

Establish the rules and regulations that will govern the assessment schemes. These might include areas such as irregularities, misconduct, Reasonable Adjustments (making arrangements to accommodate documented special requirements for individual candidates), the “shelf life” of results, the archiving of actual testing sessions (audio, video or paper versions), and the policy for keeping or destroying materials. Candidates should be asked to sign a document stating that they have read and agree to abide by the regulations. If an electronic format is used, they should be asked to tick a box. If the test is to be run by more than one organisation in different locations, then detailed regulations for the administration of the tests (e.g. paper storage, timetabling, number of rooms, invigilators etc.) will need to form part of a signed agreement with each organising body.

Develop the necessary administrative documents and procedures for all aspects of certification: application forms, invoices, grade reports, appeal

forms, etc. Decide whether to use a strictly electronic approach (all forms and procedures done on-line) or a combined electronic/paper approach. Keep in mind security issues for electronic procedures. It is also important to develop a confidentiality pledge which developers, raters, role-players and candidates must sign.

Establish financial procedures. Establish a budget early on. Review all facets of test development, administration and follow-up to facilitate the determination of the fee to be charged to candidates. Some of the financial procedures that must be contemplated as regards candidates are invoicing applicants (and possibly sending reminders), collecting and recording fees, and acknowledging payment received. As regards personnel (test developers, role-players, raters and administrative staff), compensation rates must be set, timesheets or reporting methods established, and payment schemes put into place. Finally, as regards support services and logistics, payment of other expenses such as website development and IT costs, site and rental equipment, overhead costs (office rental, salaried staff, office supplies etc.) must be organised.

Secure testing sites, equipment and test administration staffing. Needs in these areas will depend upon the design of the assessment scheme. Identity checks will always need to be carried out. Computer-based exercises will require a computer lab. If candidates are allowed to use laptops, security measures must be put in place (for example, to disable internet access), and a printer may need to be made available. For the performance-based interpreting test, the test room itself should accommodate the type of test developed. Adequate space must be provided for a live role-play, while the ability to comfortably view or clearly hear a recorded exercise is needed when a live role-play is not used. Equipment to record the candidate's performance is required in all formats. Other items to consider include providing candidates with paper and pen for note-taking, arranging for a waiting room for candidates who arrive early for their test session and an exit strategy for candidates who have completed the test which does not put them in contact with those who have yet to take the test. Raters will also need a room (with coffee and refreshments) for rest periods and breaks.

TESTING STAGE

Recruit and train testing teams, including on-site raters, role-players, and support staff (e.g. invigilators, intake personnel at testing sites, administrative assistants, etc.). Of these, careful selection and training of performance

raters is of paramount importance for both accurate inter-rater and intra-rater reliability (see Chapter 2). Training individuals on how to correctly rate performances is crucial to ensure an acceptable degree of uniformity. If an interactive approach to testing interpreting skills is used, role-players must have clear indications of the parameters of acceptable interactions and guidelines as to how to handle unexpected incidents. Assessors must understand exactly how to rate a performance using this more subjective approach.

Prepare testing materials. Materials may include: screening tests in a written or computer-based format; audio or video recordings of texts used in the consecutive and simultaneous exercises; and written source texts used in sight translation. Scoring sheets must be provided to the raters for each candidate together with some type of incident report form for unexpected occurrences. As well as any scripts required by role-players for the test itself, invigilators and role players should be provided with scripts or notes to guide their informal interactions with candidates.

Determine testing site staffing needs and assign personnel. At each testing site a site coordinator should be assigned to supervise and oversee the entire testing session. Staff will also be needed to receive candidates and carry out identity checks, complete intake processes, provide information to candidates and escort them to testing rooms. A technology specialist should be available to troubleshoot in case of equipment malfunction.

Carry out site preparedness checklist. By having thought through all aspects of the testing process in advance, a step-by-step review prior to initiation of the test sessions can be carried out. This checklist would include making sure all equipment is functioning correctly, all intake forms, documents and testing materials are available, arrangements for candidates with special requirements are in place, all support personnel are present and in place, written schedules are provided, secure storage for assessment material is available, signage is posted, chain-of-command and trouble-shooting procedures are in place, and comfort items are available (water/refreshments for raters/candidates, rest areas for breaks, restrooms facilities, etc.).

Oversee testing sessions. The site coordinator should have a clear understanding of the administrative issues that ensure valid testing and should monitor the test sessions for compliance with the established rules and regulations. Issues such as late arrivals, candidate illness or indisposition, inappropriate behaviour, etc. should be managed by the site coordinator and incident reports prepared for each occurrence.

Effect session wrap-up and site close-down. At the end of the testing day, all materials, recordings, incident reports, and equipment must be gathered and secured.

POST-TESTING STAGE

Organise performance assessment. The steps to be taken in this phase will depend upon the format of the test. Some approaches require raters to do a real-time assessment of candidate performance. In these cases, scoring sheets will have been completed during the test sessions and only cases in which further scrutiny is required would need further analysis. In other schemes, in which candidate performances are recorded, tapings must be distributed to raters for evaluation. This is usually done electronically. Uniform scoring sheets and scoring guidelines should be made available to all raters. Instructions on reporting scores, meeting deadlines and handling special considerations filings should also be made available.

Provide scores and performance reports to candidates. A decision as to what information to provide candidates must be made. Options include a simple pass/fail notification, an overall or itemised numerical score report, or a written evaluation of candidate performance which highlights strengths and weaknesses and explains the reasons for passing or failing the test. The decision may be based on the number of candidates, the language pair in question, or financial considerations (each level of detail entails a greater per-person expenditure of both human and capital resources). Notification should include information about possible appeals or grievances.

Establish test storage and retrieval procedures. Once tests have been evaluated and scored, a determination must be made as to how to store tests and test results, how long to store them, who may access stored information, and under what circumstances. A database with information about each candidate's test version and results will facilitate the organisation of resits when necessary and the dissemination of information about candidates.

Establish mechanisms for reporting scores to authorities for inclusion on registers or lists of qualified professionals.

SECURITY ISSUES

Issues of test security must be addressed specifically and seriously at all stages of the assessment process. Consider the following:

- Candidate identity checks must always be carried out for all interpreting tests using official documents that include a photograph, such as a passport or identity card.
- Test developers should sign an agreement which includes a secrecy or confidentiality clause. No one involved in test development should discuss the content of the test or the items that were developed with anyone outside of the test development sessions. Providing inside information about the test even indirectly to possible candidates prior to testing would invalidate the assessment scheme altogether.
- Raters should be required to sign a similar agreement that would cover any information received in training sessions or during the test sessions themselves. Raters should be required to report any situation in which their independence and impartiality might be brought into question. For example, raters should report or perhaps recuse themselves from rating a candidate they know well or perhaps have trained. Ideally, no one should assess a candidate they know. If this is unavoidable, it should be noted on the answer sheet, and an additional assessment of the candidate's performance carried out by another rater.
- Candidates should also be required to sign a confidentiality agreement stating that they will not discuss the contents or the test or any other pertinent information with anyone outside of the test session. While it is not possible to monitor whether or not this commitment is respected, signing a pledge often encourages candidates to comply.
- Adherence to national data protection legislation should be fully respected and information about candidates should not be provided to any other authority or agency without notifying and seeking specific approval from the candidate. In general, candidates should be assured that any information they provide is used exclusively to evaluate their suitability to be certified as a legal interpreter.
- Any electronic exchange of candidate information, actual recorded test sessions, or computerised testing material should be secured by IT specialists.
- At the testing sites, candidates should be kept apart and instructed that they are not to interact with other candidates while at the testing venue.
- All outside communication devices should be required to be turned off upon arrival at the testing site. This includes cell phones, laptops, electronic notebooks or tablets.
- The contact information of raters should not be made public.

- Recordings of test sessions must be kept securely for the time stipulated by the assessment authority. Any written or recorded test documents must be kept in a secure manner.

9. THE CURRENT STATE OF AFFAIRS IN THE UE: MEMBER STATE PROFILES

Cynthia Giambruno

This chapter presents an overview of the state of affairs in all 28 EU Member as regards legal interpreting. Over the course of a year, members of the Qualitas Project contacted informants in each Member State to gather information on a series of topics related to legislative mandates for interpreting, testing and training of legal interpreters, and the existence of regional or national registers of qualified interpreters. These are the results of their combined efforts. The results are presented in a country-by-country format with a summative analysis and conclusions provided in the last section. The profiles reflect the information that informants provided based on their own experience and expertise and the situation that existed at the time the survey was done (summer-fall 2013). Given the evolving nature of the field of legal interpreting, especially as regards compliance with Directive 2010/64, some of the information may already merit updating.

Acknowledgement: *The Qualitas Project would like to recognize the valuable contribution made by the experts and specialists throughout the EU who took the time to complete the template and answer follow-up inquiries. We greatly appreciate their efforts on the project's behalf.*

The European Union as a political entity enjoys an unprecedented level of linguistic diversity and has adopted policies that embrace the full recognition of language rights. The 28 countries of the EU recognize 24 official languages, 60 indigenous regional and minority languages, and a large number of immigrant community languages. This reality has produced a myriad of language combinations in the different Member States, all of which must be addressed as regards legal interpreting services. Providing adequate services

to judicial systems and police throughout the EU at a level that inspires mutual trust and mutual recognition must be based on a clear understanding of what minimum competency levels are and on a commitment to providing the training, certification and oversight of professional performance that is needed. The first step in achieving an acceptable level of uniformity of criteria is to carry out a needs analysis based on a review of the current state of affairs in each EU Member State.

Studies have been done and papers published on current practices regarding the provision of legal interpreting services and the certification procedures used to ensure quality in a variety of countries around the world¹. Each has contributed something to the overall discussion, but each has been partial, focusing on specific countries or approaches, and a complete profile or understanding of the status of legal interpreting services remains elusive. This fact reflects not only the challenges of trying to systematically evaluate differing realities, but also the complexity of gathering information that is reliable and accurate. However, it also reflects increased awareness as regards the importance of establishing quality standards and methods for measuring competence.

A review of the current state of affairs in the Member States of the European Union is needed to identify examples of good practice so that the expertise already gained in those countries in which progress has been made can be used to the benefit of countries still in the process of developing programs and procedures. It is needed to identify trends and problems shared by a group of Member States and those specific to only one reality. It is needed so that guidelines and indications as to how to certify individuals at a common standard throughout Europe can be developed. To this end, a template was designed by which to elicit points of information that would help identify the current state of affairs in the 28 EU Member States. These points of information include:

- the linguistic reality of each MS, including official/co-official languages and language communities needing LI services
- the legal foundations that underpin the provision of LI services
- the existence of national or regional registers of qualified professionals
- current certification or accreditation procedures

1. Two of the most recent examples are Tsagari & van Deemter, *Assessment Issues in Language Translation and Interpreting* (Peter Lang, 2013), and the special issue of *Translation and Interpretation: The International Journal of Translation and Interpretation* dedicated to certification and edited by Alan Melby (Vol 5, No. 1, 2013).

- collaboration between stakeholders
- transparency in the accreditation process
- post-certification oversight and monitoring

Experts were contacted in each of the Member States and were asked to provide the information sought. Personal contact was then made in cases in which further clarification was needed. The experts who participated came from many fields: academics whose research and teaching activities have focused on the provision of LI services, jurists who see the need for qualified interpreters in their work on a regular basis, members of professional associations who work to improve the services provided and the conditions under which interpreters work, practicing interpreters working in the judicial arena, and representatives of governmental agencies involved in regulating LI services in their districts or countries. Each report reflects the informant's knowledge and understanding of the system as it currently stands as well as their own particular perspective². While the information requested was descriptive in nature, many respondents added comments that helped flesh out the information in a more helpful manner. Some information was not provided, and a simple "not applicable" was recorded on the form. Responses were received from 27 countries. Information on Croatia, the most recent country to join the EU, was taken from internet resources as attempts to get information from an informant were not successful.

There is a twofold purpose in the analysis of this information. The first is to provide a snapshot of the current state of affairs in each Member State, and the second is to evaluate the information points using a comprehensive approach in order to identify the current state of affairs across the European Union. The goal is to provide the information needed to develop guidelines and indications as to how to efficiently and effectively certify individuals to a common standard throughout Europe, thereby achieving the desired level of uniformity that mutual trust and mutual recognition require.

MEMBER STATE PROFILES

In this section, a brief narrative description is provided of the current state of affairs in each EU Member State. The description is based on the information provided by professionals or experts from the Member States and in a few cases on written reports and research. Often times the wording provided by the informant has been reproduced verbatim; other times the information has

2. The information provided was not independently verified by project members and reflects the personal experience and opinions of the informants.

been summarized and restated. The reports received varied a great deal in terms of length and detail, ranging from brief one-page reports that consisted mostly of empty spaces on the template to very detailed representations. Not all issues were given the same amount of attention in each report, a logical reflection of the differing state of affairs in EU Member States.

Austria

German is the official language of Austria. Alemannic and Austro-Bavarian are regionally spoken variants of Upper German. The most commonly used minority languages are Turkish, Serbian, Croatian, Hungarian, Bosnian and Slovene. The Austrian Code of Penal Procedure of 1803 (150 years before the European Convention on Human Rights) included a regulation that made it mandatory to provide interpreting services to people who didn't know the German language. In 1975, Austria passed a special law on expert witnesses and court interpreters called the *Sachverständigen- und Dolmetschergesetz* (SDG) which was elaborated in collaboration with the Austrian Association of Court Interpreters. In order to become a court interpreter in Austria, an application must be submitted to the president of the regional court of the district in which the candidate resides, indicating the languages in which the candidate wishes to be certified. If, upon examination, the application shows that all prerequisites have been fulfilled, the candidate is allowed to sit for the certification exam. Prerequisites include legal capacity, legal residence in Austria, physical and intellectual aptitude, no criminal record, moral integrity, a normal economic and financial situation, and prior experience. Candidates with a degree in interpreting and translation must prove 2 years of professional experience. All other candidates must prove 5 years. The examination board consists of a judge and two examiners who are court interpreters for the candidate's language combination. The exam tests language proficiency, knowledge of both the Austrian legal system and that of the foreign country, specialized terminology, cultural competence, ethics, and translating and interpreting skills. The oral portion of the exam includes a simulated consecutive interpretation exercise in a legal setting. Feedback is given to candidates who fail the exam on how to improve skills, and a minimum time frame is recommended for reapplication. There is no limit on the number of times a candidate can repeat the exam. Certification is extended to those who pass the exam. Renewal of certification is required after 5 years. Proof of having worked professionally and completed continuous professional development must be presented. As a final feature, the title of *Allgemein beeideter und gerichtlich zertifizierter Dolmetscher* (generally

sworn and court-certified interpreter) is protected by law and interlopers or individuals who misuse the title can be fined up to 10,000€. The Ministry of Justice maintains a register of qualified interpreters.

Belgium

Belgium is a linguistically diverse country both as regards co-official national languages and languages spoken by immigrant or minority communities. Dutch, French and German are co-official languages. However, in a major city like Antwerp, 120 languages are spoken and on a daily basis approximately 50 languages are used in the legal system. While there is legislation that mandates the use of sworn interpreters, police and judges sometimes appoint *ad hoc* interpreters. Furthermore, there is no national certification scheme. “Sworn interpreter” simply refers to someone accepted by local authorities, and the criteria for being a “sworn interpreter” vary from one region or locality to another. These criteria may include presenting a diploma or taking a practical test designed and administered by regional or local authorities, which is usually a written test but never a real interpreting test. Taking an oath at the time of service is also required. No official national register exists, although unofficial local registers do. Although a short introduction course (one week) on the Belgian legal system organized by the Belgian Chamber of Translators and Interpreters is available, the Antwerp court district, local police, Bar and KU Leuven-Antwerp have established a much more comprehensive system. A register was created in Antwerp in 2003 that is managed by the Court in collaboration with the District Attorney and the Bar Association. Criteria for admission to this register include certification, no criminal record, and legal resident status. Certification consists of initial screening, a training program, and certification exams, all of which have been developed and are administered by KU Leuven/Thomas More in collaboration with magistrates, attorneys and police representatives. An initial screening process measures written and oral proficiency in Dutch and the foreign language. The cut-off score for passing is 80%. After screening, candidates participate in a training program which includes a general introduction to law and units on criminal, civil, juvenile, social and immigration law as well as criminal and civil procedures, deontology and resources. This course is followed by translation and/or interpreting classes, which include note taking skills, sight translation and chuchotage. The methodology used is practical, with role-plays and visits to the courts included. The entire process entails approximately 150 hours (including the screening procedures), with 20 hours specifically dedicated to interpreting. The course is taught in Dutch

by qualified professors, judges, attorneys, and police. Upon completion of the course, candidates sit for the certification exam consisting of both a written component to test knowledge of the law and translation skills, and an oral component, which takes the form of an extensive role-play, to test interpreting skills. Information is available to candidates on the internet. The costs for participating in the program currently stand at 100€ for the Dutch language screening exam, 100€ for language screening in another language, and 350€ for the training course, which includes the cost of the final exams. There is no established limit for the number of times a candidate can sit for the certification exam, and once obtained, there are no specific criteria for revocation, although a district Court or Prosecutor can decide to temporarily or permanently exclude an interpreter from the register.

Bulgaria

The only official language of Bulgaria is Bulgarian, with the two most frequently used minority languages being Turkish and Romani. There are small enclaves of speakers of Albanian and Aromanian. Information about the current situation as regards interpreters in the legal field is scarce and has been hard to find. There are university degree programs in translation and languages, and having a degree in one of these fields is required to be included on the lists of qualified interpreters. Interpreters working in the courts are considered expert witnesses. Institutions of higher education are responsible for training and therefore qualifying specialists in this field. No national or regional exam or certification procedures exist, and there is no national register.

*Croatia*³

Croatian is the national language of Croatia but there are 15 living languages spoken. Bulgarian, Macedonian, Polish, Romanian, Russian, German and Tosk Albanian are among these. The figure of the certified or sworn court interpreter does exist in Croatia, but is bundled together with that of sworn translator. An exam is offered through the Commercial or County Courts. It includes sections on knowledge of the legal and administrative systems,

3. In spite of several attempts, information on the current situation in Croatia could not be obtained from a direct contact. Therefore, this brief summation is based on research (see http://isg.urv.es/publicity/isg/projects/2011_DGT/factsheets/CROATIA.pdf) and the information provided in the article "A Cross-National Overview of Translator and Interpreter Certification Procedures" by Jim Hlavac in *Translation & Interpreting*, Special issue on certification, edited by Alan K. Melby, Vol 5, no 1 (2013), pp. 32-65.

which is waived for anyone who holds a degree in law. As regards language proficiency, candidates must prove their knowledge of the foreign language at the C2 level or above. Applicants with a degree in foreign languages have to pass the exam on institutions. Certification is valid for four years and must be renewed by submitting a record of the work done in the field during the period of certification. There are also several professional T&I organizations, several of which are authorized to train interpreters for the courts. It is interesting to note that since 2007, five associations have existed that are specifically concerned with interpreting for the courts: The Society of Court Interpreters and Translators, the Professional Association of Permanent Court Interpreters, the Croatian Association of Professional Court Interpreters, the Association of Permanent Court Interpreters, and the Tempus Court Interpreters Association. According to Jim Hlavac, training in T&I is available as part of university degree programs in foreign languages. However, the field is relatively unregulated and individuals without degrees or experience are often contracted as free-lance interpreters.

Cyprus

Cyprus has two official languages – Greek and Turkish – which are spoken in different and well-delineated areas. Cyprus is not a bilingual country as the result of the co-official status of these languages. English, although not a co-official language, enjoys high status, and there are a number of immigrant communities. Some of the languages spoken are Tagalog, Arabic, Swahili, Urdu, Russian, Romanian, Bulgarian and more recently, Chinese. As regards interpretation in legal spheres, there are no national certification procedures and there is no national register of qualified practitioners. Each Court Registrar keeps a semi-official list of interpreters which are used by judges to select interpreters. For lesser-spoken languages, the list includes people who know English well and interpret from English into their mother tongue, which is the foreign language for which interpretation is needed. An interpreter of English from the list is then brought in to interpret from Greek or Turkish into English. Inclusion on the list is usually up to the Registrar, who decides on quality issues and inclusion criteria. Most people on the list have no specific training; some are conference interpreters. Attorneys may hire an interpreter who is not on the list, but the judge must give approval. There is no certification exam at the national or local levels and no accreditation procedures in place at any level.

The Czech Republic

Czech is the only official language of the Czech Republic; however, there is official recognition of the rights of language minorities. The Czech Charter of Fundamental Rights and Basic Freedoms (Article 37, paragraph 4) guarantees that anyone who does not speak Czech has the right to an interpreter in a court of law. Furthermore, the Czech Constitution guarantees all national and ethnic minorities the right to their own language. This attention to linguistic rights can also be seen in the approach taken and achievements obtained as regards legal translating and interpreting. First of all, there is a law that dates to 1967 that mandates that judges use “appointed” interpreters. Interpreters are “appointed” by regional courts and work in the area in which they reside. Courts appoint interpreters according to their specific language needs. Applicants must have university level degrees in T&I, languages or other related fields. They must also show language competence, which can be done by taking the Special Language Test for Interpreting, which tests knowledge at the C2 level. The Special Language Test has two versions, one for translators and one for interpreters. For interpreters, the test covers language proficiency, general consecutive interpreting skills, and cultural knowledge. Graduates of interpreting programs are exempt from this exam, but all other applicants, including philology graduates, must take it. Applicants are also required to show knowledge of the law through a university level degree or the completion of a special training program for translators and interpreters. This course runs for 28 weeks and consists of 84 lessons on the legal system and 84 language-specific lessons with a comprehensive exam given upon completion. Currently courses are available for speakers of English, French, German and Russian. All others take only the Czech portion of the course. Finally, candidates must show 5 years of general interpreting experience (i.e., by presenting tax returns with income from interpreting services), have a clean criminal record, and be citizens of the EU or the EEA. The testing cycle and appointments are done twice a year and the course is offered once a year. Certification or “appointment” is permanent and is only revoked at the interpreter’s request or if the interpreter is involved in criminal proceedings. There is good collaboration between judicial officials, academic institutions and professional associations, and detailed information about the accreditation process is available on several websites (Chamber of Appointed Interpreters, law faculties, language schools, etc.).

Denmark

Danish is the official language of Denmark. A statutory order issued by the Ministry of Justice sets out the conditions for the “Registry” of qualified translators and interpreters, but few interpreters are aware of its existence or contents. The Commissioner for the Danish National Police keeps the register, and courts and police consult it when an interpreter is needed. The main languages needed by the Ministry of Justice for legal interpreting include Arabic, Somali, Urdu, Pashto, Farsi, Turkish, Romanian, Russian and English (mainly as a second or third language). There are two ways to be included on the register. The first is by meeting certain educational requirements. Holders of a Masters degree in translation and interpretation are automatically included. They are known as State-Authorized Translators and Interpreters. Holders of a Masters degree or a first level university degree in Philology are also admitted, although their training in T&I is basically limited to literary translation. They are not considered “State-Authorized” but they can be called upon to work for the legal system. The second way to be listed is for a native speaker of another language to go to the local police station and prove competence in spoken Danish and familiarity with Danish society and the Danish legal system. Similarly, a Danish citizen who has lived and worked in another country and achieved a high degree of competence in another language can also apply for inclusion. At the present time (Summer 2013), only about 150 of the 3000 people on the register have a degree in T&I. This can be partly attributed to the fact that only one university in Denmark, Aarhus, currently offers a degree in T&I. There is a small group of interpreters on the register who are certified interpreters. These have completed a 2-year Open University programme in community interpreting which ran from about 1996 to 2002. The languages offered were Arabic, Farsi, Serbo-Croatian, and Turkish. Holders of a certificate are automatically included on the register. However, only about 48 interpreters completed the programme, and perhaps only half of them still work as interpreters. Six other universities offer language programs with include some training in literary translation, but no training in interpretation. It is interesting to note that the languages taught at university are English, German, Spanish, French, Arabic, and Chinese. These languages do not coincide with the languages needed by the courts. There is no formal accreditation procedure or national exam. No experience is needed to be on the register, but pertinent experience is noted and taken into account. Being included is free of charge and permanent, although there are circumstances in which an interpreter can be removed. In some cases it is possible to reapply and gain reinstatement.

There are two associations for State-Authorized Translators and Interpreters and a small professional association for translators and interpreters who are not state-authorized. None of these associations has any formal authority and their role is simply consultative.

Estonia

Estonian is the only official language in Estonia. Interpreting in legal settings mainly takes place between Estonian and Russian. There are staff interpreters for Russian at many levels of the judicial system whose duties include interpreting and translating. When interpreters are needed for other languages, they are always *ad hoc* as there is no official certification or qualification in place. The Ministry of Justice does certify sworn translators (*vandetõlk*) who are empowered to certify the correctness of translations of documents, but does not include interpreting. There are Masters degree programs at Tartu and Tallinn Universities in Translating and Interpreting that include some techniques for interpreting legal interviews and court hearings, although the programs themselves are not specifically geared toward legal interpreting. This level of training is not required to work as an interpreter in the courts, either as staff or freelance. In the most recent call for interpreters, the educational requirement was a high school education, although most staff interpreters do hold university degrees. Estonian courts do sometimes provide short specialized courses for interpreters in response to requests by staff interpreters for further training in some aspect of their profession. There is no national certification plan or register of qualified interpreters. When the Court needs an interpreter, the candidates undergo an interview with one of the senior interpreters and must perform an “apprentice” task, which usually entails carrying out an initial interpretation that is then evaluated by the staff interpreters. Once hired, an interpreter starts out doing translations and then moves into interpreting. An interesting feature of the Estonian situation is the case of sign language interpreters. These professionals do have a “union” which has been in existence since 1991. There is a system for accrediting sign language interpreters that has been approved by the Estonian Qualifications Authority and is based on certification tests that include translation, interpretation and a reflection task. There are 5 levels of certification, which the highest requiring candidates to carry out a written analysis of their own interpreting. Information about the tests, their form and content, the cost (currently 40€) and the application procedure is all readily available on line.

Finland

Finland recognizes two co-official languages: Finnish and Swedish. Sami is spoken in northern Finland and Russian and Estonian and the two most widely spoken foreign languages. At the present time (Summer 2013), a commission made up of representatives of the Finnish Ministries of Justice and Education is working diligently to meet the requirements of Directive 2010/64/EU. Legislation is being presented that will modify existing laws and decrees to bring them in line with the Directive, and work is being done on a proposal to create a register and to establish a regulated training program for judicial interpreters. Training and certification will cover language proficiency, command of legal language and knowledge of the legal system, although the final format of the certification instrument is not yet clear.

France

France has only one official language, French, but German, Flemish, Italian, Basque, Catalan and Occitan dialects are spoken in different parts of the country. Arabic is the largest minority language. In France, the right to an interpreter throughout a legal process, from arrest and police interrogation to judicial proceedings, is well established. The French Code of Criminal Procedure assigns the judge in a case the responsibility for ensuring that the quality of the interpreting services rendered is sufficient to allow defendants to understand the charges being brought against them and to assist in their own defence. A defendant may bring a claim if interpreting services are not provided or if they are of inferior quality. There is no certification or testing, but registers of court interpreters and sworn translators (called expert translators and expert interpreters) are kept by Courts of Appeal and by the Court of Cassation (in pursuance of Act No. 2004_130 and Decree No. 2004_1463). The definition of an expert translator or interpreter is the same as for any other judicial expert, namely “any corporate entity or individual offering good guarantees in terms of probity, moral standards, etc., who has or has had for a ‘sufficient period of time’ an activity related to his specialty, under conditions that have given him sufficient expertise.” Court experts are designated for an initial period of two years and then for renewable five-year periods. Individuals can be removed from the register for lack of activity, lack of continuing professional development (required by law since 2004), misconduct, or lack of competence. The registers are broadly recognized and accepted by stakeholders, but they are not always sufficient to meet the needs of courts and police forces. Therefore, judges are free to use anyone if they cannot find a qualified LIT who is available.

Germany

German is the official language of Germany, with more than 95% of the population speaking Standard German. There are also four recognized minority languages: Sorbian, Romani, Danish and North Frisian. None of these is spoken as a first language by more than 1% of the population. There are several moderately sized language communities in Germany including the Turkish, Kurdish, Russian, Arabic, Greek and Dutch, among others. Legal interpreters are appointed by independent judges, although no specific regulations requiring judicial authorities to use specifically qualified individuals seem to exist. However, judicial authorities from all states have come together to create a database of officially authorized, appointed and sworn translators and interpreters. Certification for court interpreting is governed by the laws of the individual federal states and is therefore subject to state-specific requirements. Thus procedures and specific qualifications vary. All states require individuals who want to work in the courts to pass a translating exam or hold certification from another country that is recognized as having equivalent standards by a state-certified German authority. At times, this requirement is waived if no exam is offered for the language in question. In a few states, candidates are required to show a good knowledge of German legal terminology by providing proof of having completed specialization courses that are offered at several German universities. There is no central certifying body given the situation just described. Universities, state-certified exam offices, and institutes offering specialization courses can all participate in the certification process. There is detailed information available on the internet on the requirements of the individual federal states. The link to find this information is <http://www.justiz-dolmetscher.de/>. The information is detailed and is provided in German, English, French, Spanish, and Italian.

Greece

In addition to the official language, Greek, there are sizeable communities of speakers of Albanian, Turkish, Bulgarian, Russian and Romanian, although their distribution varies across Greece; Athens is the city with the most linguistic diversity. In recent years in urban centres there has been a significant influx of immigrants from Afghanistan and Pakistan. As a result, there has been a dramatic increase in the demand for court interpreters in Pashto and Urdu. The presence of an interpreter is a legal requirement at all stages of criminal proceedings, from police interviews to court hearings. The Greek Code of Criminal Procedure (article 233 (1)) states that when a

defendant or witness does not know the Greek language satisfactorily, an interpreter is appointed. The interpreter swears to “translate with exactness and faithfulness everything that is said” (article 236). In practice, English is used as a *lingua franca* when interpreters of certain languages cannot be found. While there is some regulation of translation in the legal field, there is nothing specific as regards interpretation. There is no national association of translators and interpreters, no certification for legal interpreters, and no central register. However, individual courts do keep lists of interpreters who live and work within the boundaries of the court’s jurisdiction. The lists are compiled by the local Public Prosecutor and made available to the Court and police authorities. In spite of this, judicial and police officials are not legally required to select interpreters from these lists. To be included on the list, an application must be made in which a candidate declares his or her ability to speak a specific foreign language. No proof, specific training or experience is required. Inclusion on this list must be renewed each year. Remuneration for interpreting in criminal cases is covered by the State and is currently 17.60€ per session, although payment is often greatly delayed. Sometimes freelance interpreters hired by the defendant’s lawyers are brought in to monitor the court-appointed interpreter’s performance or to provide whispered interpreting for the defendant (with the judge’s authorization). The expenses related to these privately contracted services, and to interpreting in civil cases, are borne by the interested party, not by the State. Legal authorities and police officials are increasingly interested in improving the current situation and are collaborating actively with researchers to improve conditions. Two specific projects are underway. The first (DIDI Project – Legal Interpreting in Greece) is aimed at mapping the provision of interpreting services in order to highlight shortcomings and increase policy makers’ awareness of these issues. The project is investigating legal interpreting practices in the Prefectures of Thesprotia, Ioannina, Preveza and Corfu by interviewing foreigners (including prison inmates), police authorities and lawyers. Questionnaires in English, German, Albanian and Russian are being used. The data will help define the legal interpreter’s profile in terms of linguistic/cultural knowledge, interpreting and translation skills, legal knowledge, psychological training, etc. The data collected will be presented to the Ministry of Justice, in order to enable state officials to take the necessary steps to improve the situation (i.e. improve working conditions and pay, create a national Register, and set up training courses). The second is a new project, Multilinglaw, which will provide training for lawyers on how to work with LITs. A training module is being developed that will be offered to attorneys free of charge.

Hungary

Hungarian is the official language of Hungary and is spoken as a first language by over 98% of the population. However, there are several other languages classified as “languages of recognized nationalities” by the 1993 Minorities Act including Croatian, German, Serbian, Slovak, and Slovene. Romanian, Romani, Polish, Ukrainian and a few other languages are also present in Hungary. Although the Hungarian judicial system has undergone significant changes in the last few years under the Orbán administration, the legislation on court interpreting, which dates back to 1986, has not been modified. According to this legislation, an interpreter must hold “an interpreting/translating ID” to work in the courts. These IDs can only be obtained from a few respected universities upon completion of a 2-year post-graduate study program. There is no undergraduate training for interpreters or translators in Hungary. The requirements for participation in the post-graduate program are having a Bachelors Degree (first level university degree) in any subject and successfully completing an intermediate language test and an advanced language test in two separate foreign languages. There is also a written and oral test that candidates must successfully pass.

Ireland

Irish and English are the co-official languages of Ireland, where there has been a significant increase in immigration over the last 20 years. The largest immigrant language communities are Polish, Greek, Lithuanian, Latvian, Chinese, and Arabic. While there is relatively good provision of interpreters in police stations and courts, most LIs are not trained or tested. When the provision of LI services was outsourced to a private-sector agency, the tender did not include specific quality criteria. Fees have been reduced, and priority is no longer given to those who are qualified (professional members of the Irish Translators and Interpreters Association, ITIA, or graduates of the Graduate Certificate in Community Interpreting Program). In Ireland, the ITIA has taken the lead in testing and certification at the professional level. Although ITIA membership is not a requirement for working in the legal field, the efforts being made show a strong commitment on the part of the profession to monitor and improve the performance of its members. As a professional association, the ITIA has established criteria for professional membership that include specific training and experience. If these criteria are met, applicants can then sit for the translation exam and if successful, they attend an oral interview. The interview does not include interpreting skills, but does explore the ethical issues related to the field. Interpreting exercises

are not included because of the challenges of providing valid formats and ensuring adequate evaluation. All languages are treated equally, and no exceptions are made. Everyone who wants to belong to the association is tested. There has been little encouragement or support from legal authorities, but the ITIA hopes to promote a more universal system for the selection, training, certification and registration of qualified professionals. An integral part of this effort is working to ensure acceptable working conditions and continuing professional development opportunities.

Italy

Italian is the only official language of Italy and is the language used in all civil and criminal proceedings. However, the Italian Constitution specifically safeguards linguistic minorities and recognizes French, Ladin, German and Slovenian as equivalent to Italian in some areas, thereby allowing for a situation in which these languages can be used in legal proceedings. Thus, in specific regions a trial may be carried out completely in Italian or in one of the aforementioned languages, or a bilingual approach may be taken; however, this option is guaranteed only to Italian citizens who are native speakers of a minority language and knowledge of the Italian language is assumed for all Italian nationals until proven otherwise. As further recognition of linguistic diversity in Italy, in 1999 a law was passed that protects 12 “historical linguistic minorities”: Albanian, Catalan, Croatian, Franco-Provençal, Friulian, Greek, Occitan, and Sardinian in addition to the four languages mentioned above. These languages may be taught in schools and used in public acts (but not in legal proceedings) by local authorities in the areas in which they are spoken. At present, there are many immigrant communities with the most numerous being from Romania, Morocco, China, the Ukraine, the Philippines, Moldova and India, to mention a few. As regards translating and interpreting in criminal proceedings, although there are staff translators and interpreters who work for the Ministry of Justice, they do not work in the courts for reasons of incompatibility. Therefore, freelance interpreters are called to both translate written documents and interpret in oral proceedings. There is no national certification and no national register, but rather lists of local expert witnesses that judicial authorities use when an interpreter is needed (although individuals not on the list may be appointed if justification is provided). Individuals who want to be included on these lists must reside in the judicial district in question and pay a fee. Other than that, the specific requirements for inclusion vary greatly. For example, in order to work for the Rome criminal courts, applicants must provide a CV and proof of professional

experience, hold a degree in languages or T&I, and have a basic knowledge of the Italian Criminal Procedure Code; other courts set less selective criteria. In many cases, minimum requirements are not applied to interpreters of languages of lesser diffusion, and native speakers of a foreign language are not usually tested for knowledge of Italian. Fees for court-appointed expert witnesses, including interpreters, are set by law and have not been updated for many years. They are based on time spent in court: the first two-hour period (*vacazione*) is currently paid at 14.68€ with subsequent two-hour periods being paid 8.15€. Low remuneration contributes to the reluctance of professionals to work for the courts. As regards police interpreting, the Ministry of the Interior has approximately 250 staff language experts who are charged with both legal translations and police interpreting. These experts currently cover 11 languages (Albanian, Arabic, Chinese, French, English, Portuguese, Russian, Slovenian, Spanish, German and Turkish). When an interpreter for a different language is needed, freelance professionals are called from the same lists held by courts or from separate police lists. *AITI – Associazione Italiana Traduttori e Interpreti* (Italian Association of Translators and Interpreters) is the largest professional association and has a dedicated Legal Interpreters and Translators Committee. Since its inception in 1950, AITI has worked towards a better recognition of the T&I profession and one example is a recent initiative aimed at developing a technical standard for translators and interpreters, in collaboration with UNI (Italian Standards Organisation), with key professional organisations and universities. The standard identifies 8 professional profiles (conference interpreters, legal/public service/business interpreters, technical translators, legal translators, localizers and film dialogue writers) and provides guidance to end users of their services. The translators and interpreters who work for the Ministry of the Interior have their own professional association (*ANTIMI Associazione Nazionale Traduttori Interpreti Ministero dell'Interno*) and through this organization, they work to protect their professional interests and obtain better recognition for the profession. They also organize CPD courses for members and work in collaboration with universities. There is also a relatively new professional association for legal interpreters and translators called the *AssITIG* or *Associazione Italiana Traduttori e Interpreti Giudiziari* that is working to promote the professionalization of legal interpreting and translating. The association organizes training seminars and collaborates with universities on training and research projects. There are academics, researchers and professionals actively working to promote a better understanding of the field and to improve conditions throughout the country.

Latvia

The official language in Latvia is Latvian, but Latgalian and Livonian are also considered “indigenous” or heritage languages. More than one third of the population of Latvia speaks Russian as a first language, and other significant minority foreign languages include Belarusian, Ukrainian, Lithuanian, Polish and Romani. There is no national certification in Latvia for legal interpreters. Job announcements published by courts do not include any specific qualifications. As regards police interpreting, the State Police has procurement contracts with language agencies and rely on their quality standards. There is awareness of the need for improvement as evidenced by the two-year project currently underway that brings together the Latvian State Language Centre, the Ministry of Justice, the Court Administration and the Latvian Judicial Training Centre. The goals of the project are to provide access to modern translation software to court interpreters and translators, to improve the quality of court interpreting and translating by providing a systematic approach to continuing education, to enhance cooperation between judges and interpreters, to promote speedy and effective integration of new court interpreters into the court system, and to gain European level experience and understanding of best practice in order to draw valid conclusions and make useful recommendations as regards the creation of a register of qualified professionals.

Lithuania

It has been quite difficult to gather information about the current situation in Lithuania. There is a new post-graduate program (2011) in Translation offered through the University of Vilnius that offers training for translators to work between Lithuanian and English, German, French, Italian or Russian. However, the only reference to specialized training is in the statement of program outcomes, which includes “the ability to apply theoretical and practical knowledge while performing translation tasks in private and/or public sector enterprises, organizations and institutions.” The program does not include any mention of interpreting. No information has been found that would indicate that there is any specific training or testing of interpreters in the legal sphere, nor does there appear to be any type of register that courts or the police could call upon when the services of an interpreter are required.

Luxembourg

The co-official languages of Luxembourg are Luxembourgish (*Lëtzebuergesch*), German and French. Luxembourgish was declared the national language in 1984, but all three are recognized as administrative languages. French continues to be the language of legislation and the main language used in court. The Ministry of Justice in Luxembourg has kept a list of legal translators and interpreters since 1972. To be included on the list, an applicant must present a letter that includes information on his/her languages and areas of specialization, a complete CV, a certificate of a clear criminal record, and a declaration of qualifications. The Ministry evaluates the documentation submitted by the applicant and approves or denies inclusion on the list. Interpreters must swear an oath twice a year and are under the supervision of the state attorney general. The Ministry may exclude someone from the list for failing to maintain ethical standards or for other serious reasons. There is no certification procedure in place at the present time.

Malta

Maltese is the national language of Malta, but English shares co-official status. The country is considered to be bilingual, and both languages are commonly used. English is used for special purposes, such as for government, education, legal matters, politics, industry, commerce and so on. Italian is also spoken and understood in the Courts, and other European languages are being taught in schools. There is university level training in translating and interpreting but with a focus on conference interpreting rather than public service. There are no national certification procedures in place for qualifying LITs, although there is a longstanding register that is kept by the Criminal Court Registrar that was made official in 2012. The police have their own register, and courts often use the interpreters contracted by the police to provide continuity in a legal case. Furthermore, judges are not required to use interpreters from the Court list and can appoint anyone they find acceptable. Interpreters appointed by judges are then put on the list maintained by the Court Registrar. There are no specific qualifications for being included on the list, but there has been a tendency recently to include conference interpreters trained at the University of Malta. Interpreters are often recommended by embassies as well, and attorneys who are proficient in another language are sometimes pressed into service. When no one with specific knowledge, experience or training is found, anyone with knowledge of the language in question can be called. Performance is monitored, and interpreters perceived to perform inadequately are not recalled by the courts.

There are active proponents for change working to improve the situation who advocate more collaboration between the Ministry of Justice, the Faculty of Law and the Department of Translating and Interpreting at the University of Malta to provide specific training courses and testing.

The Netherlands

Dutch is the national language of The Netherlands, with Frisian sharing co-official status in Friesland. Dialects of Dutch Low Saxon and Limburgish are also prevalent in different regions, with close to two million speakers overall. Other regional variants exist. The Dutch respect and promote multilingualism, with almost everyone speaking at least one other language well, and many speaking several. There are also many linguistic minority communities with a fair number of speakers. Training and assessments for LITs is well developed, with exam preparation courses available for 20 languages through the SIGV, which collaborates with academic institutions, the judiciary, and professionals. Candidates are screened before starting the preparation program and are discouraged, although not prohibited, from participating if they do not have the requisite level of language skills or basic knowledge. Candidates who enrol without meeting the minimum language proficiency levels are only allowed to take the theoretical part of the course. The program of study is offered once a year, in a central location, and only when there is a minimum enrolment for a specific language. The 8-month course includes a significant amount of self-study plus 3 hours of class attendance per week. Upon completion of the study program, candidates must pass all of the written theoretical exams before being allowed to take the practical exams. The written exam includes exercises to measure language proficiency, knowledge of the legal system, cultural competency and professional ethics. Interpreting skills are evaluated in the practical part of the exam through simulated courtroom interaction. Requirements are similar for all languages. The practical portion is rated by at least two examiners, under the supervision of an examination committee. The assessment scheme was developed by a committee of experts from universities and expert testing centres as well as professional interpreters and translators. The costs involved in participating in the specialists course and taking the required exams are currently 3,400€ for the interpreting option and 2,300€ for translating. As regards the existence of a register of qualified translators and interpreters, there exists in The Netherlands a register which lists people who have a diploma or bachelor level (or higher) degree in translating and interpreting. When there is no bachelor level degree available, admission is possible via

a certified assessment, a specific combination of language skills, translating or interpreting education and extended working experience or a portfolio assessment by a committee of experts. An additional registration that reflects specialization in legal interpreting or translating can be obtained by meeting specific criteria. Participating in the special course described above prepares candidates and allows them to register as specialists. Registration must be renewed every 5 years at which time evidence of actual work experience and continuing professional development must be provided. Certification or inclusion in the registry can be revoked based on complaints related to performance or integrity. All complaints are reviewed by an independent committee. Finally, in criminal and asylum law procedures, police, public defenders, courts, immigration services and military police are obliged to use sworn translators or interpreters. However, the use of specialized LITs as described above is not compulsory, although it is strongly advised. Many government bodies also use registration as a quality standard for service providers. Since the register is publicly accessible, other commissioners, companies, and even individuals can use the available data to search and hire a sworn translator or interpreter.

Poland

The official language of Poland is Polish, spoken by some 94% of the population. Between 0,5 and 1% of the population speak each of the following languages: Silesian, Belarusian, German, Ukrainian and Kashubian. All other languages together reflect the language usage of approximately 7.2% of the total population. There is a strong legislative foundation for legal translating and interpreting in Poland based on the Act of 25 November 2004 on the Profession of Sworn Translator. This act establishes the procedures for certifying sworn translators and interpreters (both activities are covered in a single denomination: sworn translator). Although there is no specific mandatory legislative act imposing a direct obligation upon the judicial system or police to use the services of sworn translators, only translations done by certified professionals have official status and therefore courts, prosecution offices, the police, and government offices apply the principle of prudence and employ sworn translators whenever possible. Only when a sworn translator/interpreter is not available in a given language do officials employ individuals with recognized language skills. These *ad hoc* interpreters must take an oath in court. The Ministry of Justice is responsible for certifying qualified professionals and keeping a register or list of those who have met the requirements and passed the exam. The requirements for

being a sworn translator include meeting certain citizenship stipulations, knowing the Polish language, having full capacity according to the law, meeting clean legal records requirements, holding a degree at the Masters level or equivalent (although an effort is currently underway to reduce this requirement to a first level university degree), and passing the certification exam. The exam itself consists of a 4-hour written translation exam and a performance-based oral exam. The written exam entails the translation of two texts from Polish into the other language and two from the foreign language into Polish. One of each pair of documents must be a court letter, official document, or legal text. The oral portion includes two exercises of consecutive or dialogic interpreting and two sight translations (one from and one into Polish). Performances on the oral portion of the exam are rated for conformity of the content of the rendered version with that of the original utterance, correct use of terminology and phraseology, correct grammar and lexis (non-legal), correct use of register, and general fluency. A candidate must receive an overall score of 75% to pass the exam. The exam currently costs approximately 200 euros and certification is considered permanent once achieved. There is no limit on the number of times a candidate may sit for the exam, but only one exam is allowed per candidate per year. The State Examination Board, appointed in accordance with the 2004 Act, is responsible for developing and administering the certification procedure. This board is made up of 11 members including four academics, three sworn translators who are members of associations of translators and identified by them, three members appointed by the Minister of Justice, one member appointed by the Minister of Labour. Members serve for four years and can be recalled. Examiners of candidates in a specific language may include both members of the Board and outside consultants who meet the requirements set for Board members. There is a high degree of transparency regarding the certification procedures with many stakeholders involved, including TEPIS, the Polish Society of Sworn and Specialised Translators and Interpreters. Disciplinary procedures are contemplated in the 2004 Act for monitoring of the profession and complaints can be made to the Professional Accountability Board at the Ministry of Justice. According to the Act, individuals can be removed from the register for refusal to translate and/or interpret in proceedings conducted under statutory law, at the request of a court, public prosecutor, the Police or public administration authorities unless there are particularly valid reasons justifying such refusal, and for failure to perform the tasks of a sworn translator with diligence and impartiality, failure to maintain confidentiality as to facts and circumstances, failure to improve professional qualifications or failure to keep a list of translations done and make relevant annotations

on translations whether they were prepared from an original, translation or copy.

Portugal

Portuguese is the official language of Portugal. The most commonly spoken foreign language is English, followed by French, German, Spanish, Italian and Chinese. The approach to legal translating and interpreting is quite relaxed, with no certification required. Professional translators and interpreters coexist alongside non-professionals and amateurs, with predictable results as regards quality. In Portugal, virtually anyone is able to do a translation and then submit it to a notary for certification. No process is in place for checking qualifications, language skills or any other type of knowledge related to the domains of legal translating and interpreting. Courts, notaries, law offices, legal entities, chambers of commerce, embassies and consulates often have their own “tailored” registers, which are unofficial and designed to respond to specific needs. These registers are usually built upon informal connections and relationships, friendship, or professional interest on a non-formal basis. Nevertheless, there is a fee schedule for LITs in the *código das custas judiciais* (code of judicial costs) established by the Ministry of Justice. Interpreters sometimes charge their own rates, based on market value, but the Courts can refuse to accept them. The result is that professional interpreters refuse to work for the courts due to the low compensation rate, and unqualified individuals take over. Fierce competition ensues between law offices, lawyers and notaries, as only attorneys and notaries can certify translations. Interestingly, a translator or interpreter is not allowed to formally attest to or certify a translation. There is very little, if any, collaboration between stakeholders and no professional regulation.

Romania

In Romania, Romanian is the official language with Hungarian and Roma being the most important minority languages. German, Italian, French, and Spanish also form part of the linguistic panorama. There is a database of translators and interpreters that is maintained by the Romanian Ministry of Justice. The list currently includes some 33,000 members. No distinction is made between translators and interpreters, and the requirements to be in the database are to hold a degree in languages or to pass a test set by the Ministry of Culture. No experience is required. The Ministry of Culture exam tests only translation. The 2-hour exam requires candidates to translate to and from Romanian. The exam texts reflect a large number of specialized fields,

including legal, but passing the legal domain test is not mandatory for court work. Automatic “certification” is granted upon presenting the required documents and paying a fee. Certification can be revoked when there is a criminal conviction, for lack of professional skills, and for consistent and unmotivated refusal to provide the services required.

Slovakia

In Slovakia, Slovak is the official language. However, minority languages are considered co-official in areas where a linguistic minority reaches 20% of the local population. This concerns mostly Hungarian, Czech, Ukrainian and Polish. Russian, German and English are other languages spoken in Slovakia. As regards legal interpreters and translators, the Ministry of Justice has a national database of qualified professionals, which, interestingly enough, includes more interpreters than translators. Anyone working within the purview of the Ministry of Justice is required to use an interpreter from this database, and those under the auspices of the Ministry of the Interior (police) are encouraged, but not required, to do so. In reality, interpreters appointed by the police on an *ad hoc* basis are often retained for the court proceedings to preserve continuity and minimize the number of individuals involved in a specific case. In order to be certified and eligible to be in the database, individuals must pass a certification exam administered by accredited institutes within universities. There are currently 4 institutions that offer certification exams. Members of regional registers, which predated the national register, are required to transfer to the national register and sit for the new certification exam within a specified period of time. The criteria for inclusion in the national database are successful completion of a “professional minimums” course, proof of language proficiency, and successful completion of an interpreting exam. For certification, a university degree, clean criminal record, legal capacity and 5 years of professional experience are required. Proof of language proficiency can be a university degree in languages or the equivalent, evaluated on a case-by-case basis by the Ministry of Justice. The interpreting exams are designed and administered by each of the accredited institutions, which must organize a test for any language when a request is made (a schedule of exams for major languages is published on the Ministry of Justice website). The interpreting exam usually consists of consecutive interpreting and sight translation exercises as well as sections on knowledge of the legal system, and professional standards and regulations (ethics and good practice). Grading is holistic and a score of 8 out of 10 points is required. There are no pre-established criteria for evaluating

a performance, with final decisions left up to each institution and even to individual examiners. Exams are not recorded, but feedback is given at the time of the exam. Those who do not pass have to wait 3 years before making another attempt. The Ministry has the right to retest individuals every 5 years, but so far this has not been done. The cost for taking the exam is currently around 200€. Finally, candidates must provide evidence of 5 years of professional experience and a clean criminal record. Certification can be revoked for criminal activity, and an interpreter can request to be removed from the database. One final point of interest is that the law in Slovakia stipulates that legal interpreters from other EU member states be recognized and registered as legal interpreters in Slovakia if they provide evidence of their status in their home countries, even if requirements for certification vary greatly from those in Slovakia.

Slovenia

Slovene is the language spoken by most of the population of Slovenia (2 million inhabitants). However, there are parts of the country in which Italian and Hungarian minorities reside, and there are also many people from the former Yugoslavia who speak Croatian, Serbian or Bosnian. In Yugoslavia a special exam was required to become a “court interpreter”. In Slovenia there is a national certification centre, the *Center za izobraževanje v pravosodju* (CIP), which has tested and qualified LITs for many years. The exams administered have not changed in the last few decades and consist of a written translation in both directions and an oral exam on basic knowledge of the political structure and the criminal justice system. No interpreting exercise is included in the qualification exam. Examiners are LITs, linguists and professors from the Faculty of Law. The requirements are the same for all languages, but the exams are organized more frequently for the ‘bigger’ languages. Candidates for the exam must hold a university degree and Slovene nationality as well as a clean criminal record. Currently (Summer 2013), the cost of the exam is 270€. The written exam is offered every month in Ljubljana, with the oral exam offered seven days later. A candidate may take the exam three times and if not successful, must wait five years before trying again. Information about the exam is available on the CIP website. Prior to taking the exam, all candidates must complete a short seminar offered by the CIP (current cost 400€). The seminar is taught by LITs and professors of law. It provides an introduction but not full preparation for the exams. The Faculty of Arts at the University of Ljubljana, through its Department for Translation, offers courses in legal translation taught by linguists and lawyers together. These

courses are part of the MA study programme “Translation”, but due to the economic crisis in Slovenia, there is still no special MA programme in legal translation and interpreting, although plans have been made for such a program in a collaborative effort between the Faculty of Arts and the Faculty of Law of the University of Ljubljana. As regards a register, the Ministry of Justice maintains a list that dates back to the times of Yugoslavia and has not been revised since. The result is a list that includes individuals who are no longer working in the field (some are actually deceased). In spite of its flaws, the list is considered valuable and is used by stakeholders. New regulations require renewal of the status every five years. Those who wish to remain on the list must provide evidence of continuing professional development in form of attendance at 5 seminars in 5 years. Many private language schools and associations are beginning to offer courses, some of which are highly professional (for example the courses organized by the Slovene Translators Association’s LIT section in 2012 and 2013). The police and asylum authorities maintain their own lists which include interpreters whose work has been considered satisfactory, even though they hold no formal certification. Some are former asylum seekers.

Spain

Spain is a multi-lingual country with strong support for the preservation and promotion of historical languages. The Spanish Constitution of 1978 names Castilian as the official national language, and regional languages such as Basque, Catalan, Gallegan and Valencian as examples of co-official languages. Additionally, variants of *asturleonés* and *la lengua aragonesa*, while not co-official, enjoy broad recognition as traditional languages in certain regions of Spain. In addition to the autochthonous languages of Spain, there are several significant immigrant language communities and large numbers of tourists and foreign residents in the coastal regions and the islands including speakers of Arabic, Romanian, Bulgarian, Chinese and English, among others. As regards interpreting in the judicial arena, the wording of current legislation in Spain includes a loophole that allows judges to appoint anyone “with knowledge of the language” as an interpreter in judicial proceedings. While the spirit of the law clearly supports the use of “qualified” interpreters, the fact of the matter is that there is no airtight stipulation as regards the qualifications of interpreters. There is a qualification procedure by which individuals become “sworn” interpreters. Sworn interpreters are named by the Ministry of Foreign Affairs and have traditionally been charged with translating diplomatic, consular or administrative documents of and for

the Ministry of Foreign Affairs. This certification, which dates back to the 19th century, was never conceptualized as qualifying individuals to work in court or police venues, and the wording of the law in the latest modification dated 2009 has not altered the description of the scope of practice of these interpreters. The qualifying exam to be named a sworn interpreter consists of written translations and a general oral interview. Interpreting skills are not evaluated. Passing the exam allows individuals, on a strictly freelance basis, to translate, stamp and seal documents so that they can produce legal effects within Spain. Oral interpretation is also contemplated, but not outlined in any specific way, and legal professionals (judges or police) are not required by law to use sworn interpreters in oral proceedings. In addition to the Ministry of Foreign Affairs, the Ministry of Justice and the Ministry of the Interior both have selection procedures for staff translators and interpreters, but once again, neither process involves measuring interpreting skills. Finally, some regional governments have created certification procedures that are valid in their jurisdictions for language combinations that include the regional language and other languages including Spanish. This is the case in Galicia, Catalonia and the Basque Country. While there is a mixed approach in Spain, with both the Ministry of Justice and some autonomous communities (regional governments) establishing protocols for the provision of court interpreters, the trend is towards sub-contracting with private agencies and reducing the number of in-house or staff interpreters. Most tenders do not include any specific stipulations for quality assurance or performance monitoring. As regards a register, the only national list is the sworn interpreter register, managed by the Ministry of Foreign Affairs.

Sweden

Swedish is the official (majority) language in Sweden. Since 2000, Sami, Finnish, Tornedal Finnish, Yiddish and Romani occupy a distinctive position in Sweden as indigenous regional and minority languages, spoken in Sweden for over a hundred years. Swedish sign language is considered an official language. However, around 200 different languages are spoken by migrant groups; some of the largest linguistic communities speak Albanian, Arabic, Bosnian, Croatian, French, German, Greek, Italian, Kurdish, Farsi, Polish, Russian, Serbian, Somali, Spanish and Turkish. Despite a highly developed system for certifying qualified interpreters and specific measures taken in recent years, it is still difficult to find authorized interpreters in certain languages, especially outside of the major urban areas. Authorization of interpreters was introduced in 1976 and is a protected professional

title. Authorized interpreters are tested by a governmental agency, the *Kammarkollegiet*. Authorization is valid for five years and can be renewed. Accreditation is currently available in 40 languages, including sign language. The accreditation exams are developed by the *Kammarkollegiet* in collaboration with testing experts, educators, and representatives of the interpreters' union. The exam has a written exercise that candidates must pass in order to take the oral part of the test. It is a 5-hour exam that includes a test of general background knowledge and a Swedish proficiency exercise in the form of a cloze test, testing grammar, vocabulary, idiomatic phrases, knowledge of word order, tense, temporal expressions and so forth. There is also a specific terminology exercise in which candidates must translate 100 specialist items into Swedish and 60 specialist terms from Swedish. The terms are taken from areas such as migration, social issues, the labour market, medical care, general social insurance and every day law. No dictionaries are allowed. The oral portion of the assessment lasts for 2 hours, and includes active interpreting. Three or four live role-plays are carried out, using native speakers of both languages. The expert in the non-Swedish language rates the candidate's proficiency in the non-Swedish language, and the test administrator evaluates Swedish language proficiency. Interpreting techniques and professional ethics are also evaluated. While marking is holistic, several categories of performance are evaluated individually including transfer of information, correct use of terminology, articulation, prosody, linguistic proficiency and fluency. Interpretation techniques that are tested include checking possible mishearing and interrupting in cases of mishearing and parallel talk. The general impression of the performance based on correctness, confidence and impartiality is also taken into account. Candidates receive a copy of their marked written exam with comments and immediate feedback on their oral exam performance. They also receive a copy of the role-play assessment protocol in order to see the criteria for a successful performance. Information and sample tests are available to candidates on line at www.kammarkollegiet.se. Candidates must be 18, be known to have personal integrity, and have a clean criminal record. There are no formal requirements regarding educational background or nationality. However, it is extremely difficult to pass the exams without some experience or training. Certification must be renewed every 5 years and can be revoked if the accrediting agency, after investigating complaints, deems it justified. Authorised interpreters can sit an additional exam to achieve the title of *authorized legal interpreter*. This test consists of written and oral components. The oral component is made up of two role-plays (on civil and criminal law). Since October 2013, this test has also included a site-translation exercise. As for a register, the

Kammarkollegiet publishes an on-line directory of authorized interpreters, with a search function in Swedish and English. The register is broadly recognized and accepted by stakeholders. The *Kammarkollegiet* also hosts a searchable register of non-authorized interpreters who have completed certain types of interpreter education or training.

The United Kingdom

The United Kingdom (UK) is a linguistically diverse country. In the 2011 National Census, over 20% of the population listed a language other than English as their first language and over 300,000 people living in the U.K. reported that they did not speak English at all. Up to 153 languages have been reported as in daily use in some urban areas. Interpreting provided by the state for non-or limited English speakers in judicial proceedings is referred to as 'Public Service Interpreting' (although this term is sometimes used interchangeably with 'Community Interpreting'). A system for certification of Public Service Interpreters (PSIs) via a qualifying exam (the Diploma in Public Service Interpreting or DPSI) and registration on a professional register of interpreters (the National Register of Public Service Interpreters or NRPSI) does exist. However, as there is no statutory protection of title for PSIs, there is no legal impediment to any person trading as a PSI, whether qualified and/or registered or not. Furthermore, although a preference for one is usually expressed, Courts do not always require qualified PSIs exclusively to be used for court proceedings. Unqualified and/or unregistered interpreters are admitted to Court if a qualified and registered PSI cannot be located or if an unqualified/unregistered interpreter is supplied by an agency. In late 2011, the Ministry of Justice instituted a radical change in the arrangements for the supply of interpreters to judicial proceedings in the UK. Prior to this date, a guidance document on the use of interpreters in criminal justice proceedings, (the National Agreement on the Use of Interpreters in the Criminal Justice System) was used by Courts and Police forces in their procurement of interpreting services. This guidance recommended the use of NRPSI-registered PSIs whenever possible, or the use of individuals from nominated secondary lists, when necessary. In late 2011, the Ministry of Justice introduced a Framework Agreement for the supply of interpreters that installed a single commercial supplier (initially Applied Language Solutions, now Capita Translation and Interpreting) as the preferred source for all interpreters for criminal justice proceedings. This supplier is required to maintain a list of interpreters and to deal with all matters of qualification, suitability

to practice, procurement, placement and remuneration⁴ Significant numbers of qualified and registered interpreters previously serving courts and police forces refuse to supply interpreting services under the new arrangements, and have not contracted with the commercial supplier. In the early months of the new arrangements this led to a near-catastrophic breakdown in the supply of interpreting services and there is a widely shared perception that the quality of interpreting in the Criminal Justice System has diminished since the implementation of the Framework Agreement. Although the introduction of the Framework Agreement was clearly intended to supersede the use of the NRPSI and to replace engagement of interpreters by individual courts and police stations on a case-by-case basis with a centralized system, the National Agreement and the NRPSI continue to exist. This has led to a situation where two sources of interpreters and two differing sets of criteria for the management of quality are operating in parallel: the Framework Agreement (with interpreters supplied via the single commercial supplier) and the National Agreement (with interpreters contacted via the NRPSI register). Despite the current volatility in the interpreting market place in the UK, the professional ‘benchmark’ DPSI exam, set by the IoL Educational Trust (IoLET), the associated charity of the Chartered Institute of Linguists, continues to attract significant numbers of candidates each year.⁵ This exam evaluates both dialogue and simultaneous interpreting skills, oral sight translations and written translation skills. A band score approach is used to score performances. The exam is divided into 5 units, and the cost for taking all five is between £580 and £730.⁶ There are also MA programs in interpreting and translation with a public service interpreting element available at a number of Higher Education institutions. As regards a professional register for PSIs, the NRPSI⁷ is the central register of suitably qualified and security-cleared public service interpreters, including LIT specialists. This professional register also serves as a non-statutory regulator of PSI in the UK. Full registration on the NRPSI is via a DPSI qualification or equivalent honours degree qualification with interpreting and translation component and 400

4. The Ministry of Justice’s stated rationale for the introduction of this new arrangement was that there were “fundamental shortcomings, inconsistency and inefficiency» in the arrangements based on the National Agreement and that these left the Ministry and its agencies exposed to “unacceptable risks” (House of Commons Justice Select Committee report February 2013). Both the NRPSI and the interpreting profession dispute the validity of this claim.

5. For the June, 2013, setting of the exam there were 785 candidates.

6. Fees correct at time of report, February 4, 2014. See <http://www.iol.org.uk/qualifications/DPSI/DPSIFees14.pdf>

7. See www.nrpsi.co.uk.

hours of accredited PSI experience. Annual re-registration is required, for which an annual fee of £198 is payable.⁸ Evidence of a minimum of 10 hours of accredited interpreting activity for the previous year must be produced for re-registration.

Norway

While not an EU Member State, Norway is a member of the EEA and enjoys a close association with the EU. The model currently used in Norway as regards the testing and certification of LIs is worth examining. Special thanks to Hanne Skaaden for preparing this summary of the Norwegian approach.

The need to control interpreter qualifications is obvious. However, to date, few countries have established proper license and mandate to ensure quality for the interpreter function (cf. Ozolins 2010, this report on the EU member states' solutions). The following paragraphs briefly describe the model developed in Norway in order to approach some of the challenges in establishing license and mandate for the interpreter function.

In brief, the Norwegian model is organized around an open access web-based National Register of Practicing Interpreters in the Public Sector, cf. www.tolkeportalen.no. The National Register was established in 2005 and includes five categories that represent paths into the register, rather than "levels" of qualification:

1. Interpreters with university level training (minimum 30 ECTS) *and* the Norwegian Interpreter Certification Exam (NICE); approximately 20 languages covered as of 2013.
2. Interpreters with the *Norwegian Interpreter Certification Exam* (NICE); 23 languages covered as of 2013.
3. Interpreters with completed university level training (minimum 30 ECTS); 50+ languages covered as of 2013.
4. Persons with a BA or a state authorization test in *written translation* and a three- day course on professional ethics; less than 20 languages covered.
5. Persons who passed a limited bilingual lexical knowledge test and completed a three-day course on professional ethics; more than 60 languages covered as of 2013.

8. As of February 4, 2014.

The model's basic idea is for the register to serve as a "stepping stone" system in that practitioners, by completing training and tests, are inspired to advance in the system. Thus, they will enhance and document their qualifications. At the same time the register allows authorities to put pressure on institutions in need of interpreting services to engage the more qualified interpreters (i.e., practitioners in categories 1 – 3 above).

Starting from the bottom, the candidates allowed into recruitment category 5, must sit a limited bilingual lexical knowledge test and attend a three-day course on professional ethics. The aim of the written lexical knowledge test is to eliminate candidates who obviously lack a basic vocabulary in Norwegian and/or the other working language. The test has a pass rate of approximately 40% (cf. Skaaden, 2003).

Category 4 is for persons who have documented their bilingual knowledge through either an extensive test in written translation (Certified Translators by Norges Handelshøyskole, NHH) or have a BA in translation (e.g., from the University of Agder, UiA). The extensive written translation test and the BA courses on translation have existed in Norway for some time at NHH and UiA, respectively, but cover a limited number of languages. Although they have experience in written translation, these practitioners must sit the three-day course on interpreter ethics and basic techniques to enter the National Register.

Access into the register's category 3 is achieved upon the completion of a one-year university level web-based course on "Interpreting in the public sector" (30 ECTS) which has been offered at *Oslo and Akershus University College* (HIOA) since 2007. This part-time blended course aims at enhancing the students' bilingual sensitivity, situational knowledge and their understanding of professional ethics as well as their interpreting skills (cf. Skaaden & Wattne, 2009). To enter the course, students must pass an oral aptitude test that tests their listening and speaking skills in both languages. The pass rate for the admittance test is approximately 40% on average (cf. Skaaden, 2013). The practical test upon completion of the course, evaluates the candidate's ability to apply his/her bilingual skills in the consecutive interpreting of a role-played institutional dialogue as well as interpreting skills such as turn-taking and coordinating strategies.

Practitioners registered in category 2 have passed a free-standing practical interpreting test, The Norwegian Interpreter Certification Exam (cf. Mortensen, 1998, 2012). This more extensive test includes the consecutive interpreting of two role-played dialogues and the consecutive interpreting of two monologues requiring note-taking. The pass rate of this test is 10% on average.

Category 1 is reserved for practitioners who have completed both the one-year course (category 3) and have passed the state certification exam (category 2) in the working language.

The Norwegian Model may seem «too modest» at first glance. However, in a pragmatic manner it meets some of the challenges modern society is up against when attempting to establish interpreting quality in a multitude of languages. In sum, a stepping stone system like the Norwegian one may be a path towards proper license and mandate for the interpreter profession in an increasing number of languages.

OVERVIEW AND ANALYSIS OF EU PRACTICES

The country profiles described above make it possible to identify patterns, common challenges and trends as regards LI training, certification and registration in the European Union. It also provides information about practices specific to only one or to a very few countries which are examples of practices to emulate or avoid. But most importantly, it shows how much variation exists in standards, the main issue involved in achieving the mutual trust needed for reciprocal recognition of LI services throughout the EU.

In this section, an overview of practices will be provided that shows the current state of affairs across the EU, rather than in specific countries. The issues of concern include linguistic diversity, the legal foundations that exist for the use of qualified LIs, the existence of a register or registers of qualified practitioners, the evaluation and certification of individuals included on the registers, the degree of collaboration between different stakeholders in the efforts to regulate the profession, the transparency of certification and registration procedures, and professional oversight and monitoring.

LINGUISTIC DIVERSITY

Linguistic diversity is a reality in every EU Member State. Thirteen of the 28 countries have more than one official language, and six have three or more. In addition to the official languages, many have traditional linguistic minorities that speak historic or heritage languages that are recognized and respected, although not given co-official status. Finally, each country has a number of immigrant communities that have brought not only neighbouring European languages inside their borders, but also languages from many parts of the world. The EU lists some 60 indigenous regional or minority languages spoken by as many as 40 million people. The number of language communities in each country varies, but is quite high in several countries. For example, in the U.K., the Multilingual Manchester Project reported

153 languages spoken in the greater Manchester region, and the European Commission reports “in cities such as London, Paris, Brussels and Berlin, hundreds of languages are spoken.”⁹ This linguistic diversity enriches the fabric of European life but also provides challenges to authorities trying to provide adequate services. A better system for sharing the benefits of linguistic diversity is needed in the EU so that resources in one country can be effectively and efficiently marshalled for use in other countries.

LEGAL FOUNDATIONS

The legal mandates for the provision of interpreting services for language limited individuals involved in legal proceedings are widely known and accepted in the EU. From broad guarantees of basic rights such as those expressed in the Universal Declaration of Human Rights (1948) and the Charter of Fundamental Rights of the European Union (2000), to the specific right to the free assistance of an interpreter found in the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), now known as the European Convention on Human Rights, and the International Covenant on Civil and Political Rights (1966), it is generally recognized that the services of an interpreter must be provided in criminal cases when a suspect or accused party cannot understand or speak the language used in court. Directive 2010/64/EU of the European Commission further develops these mandates by addressing issues of quality, training, and scope. The Directive stipulates interpreting during police interrogation, essential meetings between clients and attorneys, and at trial. It allows for remote interpretation via videoconferencing or telephonic interpreting in some instances. It also stipulates quality control through the creation of registers of qualified translators and interpreters. Finally, it highlights the importance of effective communication between all parties and thus recognizes the need for judges, attorneys and judicial staff to be trained in how to work with interpreters.

The transposition of this Directive into domestic legislation may involve legislative changes in some Member States in order to ensure that the objectives set out are achieved. In very few cases does current legislation address issues of quality, certification, and professionalization or stipulate the use of qualified professionals, and even in those that do, there is often a loophole in the legislation that allows for non-certified individuals to be used. Thus, one of the most important outcomes of the Directive may be to encourage each Member State to examine current practices as regards both the procurement

9. <http://ec.europa.eu/languages/languages-of-europe/>

of interpreting services and the certification of individuals as competent to provide these services. At the present time, in Belgium, the Czech Republic, Slovakia, Slovenia, and Sweden, for example, there is a legal requirement to use “sworn”, “appointed”, “registered” or “authorized” interpreters, although the definition of each varies significantly. Furthermore, even with these legal mandates, challenges continue to exist. For example, the problem of providing competent interpreters at all times in all places is a general one, and qualified interpreters are often not available outside of large urban centres. In some countries, the trend has been to sub-contract the provision of interpreting services to a private-sector agency, often with no stipulation in the tender as regards quality or minimum qualifications for practitioners. The U.K., Spain and Ireland are examples. Legislative mandates that more clearly specify certification, quality, oversight, and dignified working conditions for LITs would provide the impetus for needed improvements.

REGISTERS

In 2009, the European Legal Interpreters and Translators Association (EULITA) was founded in the hopes of bringing together professional associations and legal translators and interpreters from all over Europe that were “committed to the improvement of quality in legal interpreting and translation.” In 2010, the EU Working Party on E-Law established the European e-Justice Action Plan and developed a roadmap that contemplated the creation of an EU-wide database of qualified translators and interpreters. However, even as late as October 2012, this group concluded that it was premature to consider creating such a database given that many Member States did not have national or regional registers on which to draw. Nevertheless, Member States that did have a database or register were asked to provide information which could be forwarded to EULITA to continue working towards this goal.¹⁰ Creating an EU-wide database with qualified interpreters in a range of language pairs would contribute greatly to improving the current situation. However, it is important to understand what a register is and consider why the EU specifically addresses the issue of creating registers in Directive 2010/64/EU.

In the broadest terms, the purpose of establishing registers of legal interpreters is to ensure defendants equal access to justice and a fair trial by providing qualified interpreting services when needed. Beyond that, a

10. Report from the Working Party on e-Law (e-Justice to Coreper/Council).
http://www.parlament.gv.at/PAKT/EU/XXV/EU/02/57/EU_25743/imfname_10467603.pdf

pan-European database would contribute to the enhancement of mutual trust and contribute to the legal certainty among Member States that the EU is seeking. However, without an adequate understanding of what “qualified” means, and without some measure of uniformity in the definition of a skilled interpreter, the guarantees that the existence of a register are meant to provide cannot exist. Preparing and maintaining a list of individuals who can be called when the need arises is relatively easy; making sure that the individuals on the list meet the standards required to ensure justice is served is a much more daunting task. The danger with the current situation in the EU is that many countries report having lists of interpreters that they characterize as registers, which have existed, in some cases, for many years. However, the requirements for being included on these lists do not meet any uniform standards of minimum competence. An analysis of the current situation in the EU shows the disparity that exists in the approaches used.

A bona fide national register with established criteria for membership, reasonable oversight capabilities, and broad social acceptance exists in only a few EU countries. Sweden, the U.K., and the Netherlands are perhaps the best examples. In these countries, a process has been established to train and test interpreters in a large number of languages. Continual re-evaluation of goals, methods, and results is built into the system and procedures and practices are adapted to evolving realities. Training courses exist which prepare individuals for professional practice and for passing the required certification exams. There is collaboration between stakeholders and representatives from academia, the judicial system and professional associations. The resulting list of qualified individuals constitutes a register that can be accessed by the legal services including police, the Ministry of Justice, attorneys, and other stakeholders. While not entirely free of problems, these countries provide the best examples of good practices that exist in the EU today and offer different approaches that can be used as models. This is why it is particularly distressing to witness the about-face that has taken place in the U.K., where recent legislative decisions have turned the clock back by adopting a sub-contracting approach which has brought about a noticeable reduction in the quality standards in legal interpreting as well as an exodus of trained, experienced and capable interpreters due to diminished compensation and unfavourable working conditions.

In other countries, responsibility for maintaining a register falls to governmental or public entities. For example, in the Czech Republic, Luxembourg, Slovenia, Slovakia and Romania, The Ministry of Justice is responsible for the national register of interpreters. In Spain, a register of “sworn” interpreters is available from the Ministry of Foreign Affairs. In Denmark, the Danish

National Police keeps a list of interpreters who also work in the courts. There is a significant amount of discrepancy, however, as regards both the purpose of maintaining these registers and the requirements for inclusion on them. In Romania, for example, the register includes some 33,000 names. This number itself raises a red flag as regards quality and competence. In Spain, the list of sworn interpreters reflects a process that was originally developed to provide translators for diplomatic or consular documents for the Ministry of Foreign Affairs, not for police and judicial purposes. In Denmark, anyone who holds an MA degree in translation and interpreting is automatically included on the list. Furthermore, anyone holding a first level degree or MA in language studies (philology) can also apply, even though their degree includes no specific training in interpreting whatsoever. They are considered competent for court interpreting by virtue of their perceived proficiency in languages. Regional registers also exist in some countries, at times as parallel to national registers (Spain and the Czech Republic, for example) and at other times, as independent entities. Germany is a clear example. The appointment and swearing-in of translators and interpreters is governed by the laws of each federal state and are subject to state specifications.

By far the most common approach to maintaining lists of interpreters is for the court system itself to take on the responsibility. This is usually done at the regional or local level and is often the responsibility of each specific court. The result is a plethora of approaches in the same country, with no uniformity of standards or requirements in place. For example, in Belgium, a register was created in 2003 in Antwerp, which is managed by the Court in collaboration with the district attorney and the Bar Association. Specific criteria do exist for inclusion, and stakeholders in the Antwerp District recognize its validity, but it does not extend beyond the Antwerp judicial district. In Malta, the Court Registrar maintains a register; however, the police have an entirely different list and the interpreter engaged by the police is frequently retained in the trial phase to provide continuity. Furthermore, it is at the judge's discretion whether to consult the register or not. Countries in which individual courts are responsible for drawing up and maintaining lists include Bulgaria, Cyprus, Greece, and Italy. In Greece, it suffices for individuals to simply state on their application that they can speak a foreign language.

In Ireland and Austria, professional organizations have played an important role. In Ireland, the Irish Translators and Interpreters Association maintains a register of members who have met the association's criteria, but it is not considered an official or professional register. In Austria, the Austrian Association of Court Interpreters has been an active participant in

the development of the legislation, training courses and certification exams for court interpreters.

A few specific cases are worth mentioning, given their *sui generis* approach to interpreting services. In Portugal, for example, informal lists of translators and interpreters are maintained by courts, embassies, chambers of commerce, notaries and even law offices. No uniform standards are applied, and the lists are tailored to the needs of the agency or entity in question and are sometimes built, at least partially, upon informal connections and relationships, friendships or professional interests. In Estonia, there seems to be a well-developed system for sign language interpreters, but not much as regards spoken languages.

CERTIFICATION OR ACCREDITATION PROCEDURES

If a register is only as valid as those included on it, the next step is to examine the current state of affairs as regards the testing and certification of legal interpreters in the EU. By definition, training is an important part of testing and certification; however, in the majority of EU countries, specific training for LIs is limited at best, and in some cases is non-existent. Furthermore, comprehensive training often seems to be lacking in the language pairs most often required by the courts. When training does exist, it is often partial, unregulated and sporadic.

In order to evaluate current practices, it is important to establish basic criteria for a valid certification procedure for interpreters and what domains should be included in a qualifying exam. The most obvious primary skill set is a high level of proficiency in both languages. For quality court interpreting to be guaranteed, candidates should be able to demonstrate a C1-C2 level of language proficiency as measured by the Common European Framework of Reference for Languages. Proof of proficiency should be required of all candidates in both languages, regardless of their native tongue. Once proficiency is established, interpreting skills must be evaluated. This can only be done through a performance-based, criterion-referenced exam. If interpreting skills are not evaluated through simulations of real situations, the exam cannot be considered valid, nor would final certification. Knowledge of legal terminology, of the legal system, and of the professional code of ethics should also be covered. Once again, current practices and approaches vary widely in the EU. The countries that have the strongest legal mandates and the most developed registers are also those that have the most highly developed certification schemes. Thus, the U.K. and Sweden, which test in more than 40 languages, provide the strongest examples of comprehensive certification. In

the Netherlands, there has been strong collaboration between stakeholders, with the certification scheme developed by a committee of experts from universities and assessment centres together with professional interpreters and translators. Furthermore, testing is closely tied to training and is guided by academic institutions. The assessment schemes in both Sweden and the Netherlands are also currently undergoing comprehensive review, which is further proof of a commitment to excellence and transparency.

On the other end of the spectrum are those countries with no formal testing or certification procedures in place. These countries include Bulgaria, Cyprus, Estonia, Finland, Greece, Italy, Latvia, Luxembourg, Malta, and Portugal.

Between these two extremes there are a myriad of approaches. For example, in several countries there is only one certification process that qualifies individuals as both translators and interpreters, even though assessment of interpreting skills is non-existent or woefully lacking in most of these cases. Romania and Slovenia are countries that fall into this category. Countries in which oral skills, but not necessarily interpreting skills, are included in the assessment procedure include Germany (Hamburg District for example, not all states), Ireland and Spain. Only in a few countries are interpreting skills evaluated separately (Austria, Belgium Antwerp Courts, the Czech Republic, the Netherlands, Slovakia, Sweden and the U.K.).

As regards competencies other than language proficiency and translating and interpreting skills, some countries also evaluate knowledge of the legal system (Belgium, the Czech Republic, Germany, the Netherlands, Slovakia, Slovenia, Sweden, the U.K.) cultural competency (the Czech Republic, the Netherlands) and knowledge of professional ethics (Belgium, Slovakia, Sweden).

Finally, some certification schemes require training and/or experience. Some countries require a degree or diploma in translating and interpreting or in philology rather than a test, some require university level studies but also require an exam of some sort (Spain, Slovakia, Slovenia), some offer special courses that lead to certification (the U.K., the Netherlands), and some require continuing professional development courses for renewal of certification. As for experience, only a few countries require interpreting experience: Austria 2-5 years depending on other qualifications, Slovakia 5 years, the UK 400 hours for full registration on the National Register of Public Service Interpreters. Those that require experience usually accept conference interpreting experience as well as public service interpreting experience.

In addition to training and experience, in some countries there are other requirements for participating in a certification process and/or being put on

a list or register. The common ones include having a clear criminal record and being a resident of a country, region or judicial district. However, there are a few examples of requirements that are more nebulous. For example, in Austria, candidates must show “physical and intellectual aptitude, moral integrity and a normal economic and financial situation”. In Luxembourg, a candidate must present a “declaration of qualifications”, and in Sweden, a candidate must be “known to have personal integrity and be considered suitable to work as an interpreter”. These kinds of requirements are difficult to measure or quantify and are open to interpretation and manipulation.

As regards certification of languages of lesser diffusion, with few exceptions, the tendency is to waive part or all of the requirements for languages for which certification exams are not available. In some countries, the procedure is the same for all languages but for most, requirements are modified for speakers of languages of lesser diffusion.

It is clear that there is no standard minimum competency level that has been broadly accepted in the EU for legal interpreters. The discrepancies that exist between systems erode the value of registers when they do exist and make it difficult to build mutual trust between Member States. If reciprocal recognition of certification is to become a reality in the EU, it is imperative that progress be made on setting some minimal quality standards for certification and registration.

COLLABORATION BETWEEN STAKEHOLDERS

Any process or procedure is enhanced when there is participation of all of the stakeholders, as each brings a specific perspective. As regards legal interpreting, judicial and police authorities, academics and researchers, professional associations, and professional translators and interpreters all have valuable insights and contributions to make. Governing bodies such as ministries, regulatory agencies, and legislatures also play a role. Developing open lines of communication and establishing mechanisms for regular collaboration and cooperation seems logical. There does seem to be a reasonable degree of collaboration in many EU Member States between some of the stakeholders. When asked: “Is there collaboration (consultation, input) between training bodies, professional associations, universities and judicial authorities?” only five Member States answered no. In all other countries, some degree of collaboration was reported. Take, for example, the response given by the Swedish informants:

Many non-Swedish language experts are recruited, e.g. from universities and other educational units. Administrators from *Kammarkollegiet* visit seminars organized by the Institute for Interpretation and Translation Studies at Stockholm University. *Kammarkollegiet* regularly organizes training seminars for panel members, when external experts and researchers are invited to give lectures. Representatives of professional associations are often invited to these seminars as well. The accrediting agency has its own legal experts.

The most common nexus seems to be between regulators and universities or other training institutes, although interaction is often reported to be informal and irregular. Academic institutions or special instructional agencies are looked to for training and sometimes for testing and qualification. However, uniform standards seem to be lacking and oversight or regulation of training and/or examination can vary in the same country from institution to institution. As regards collaboration with professional associations, only a few countries report having active professional organizations, and even fewer, specific legal or court interpreting divisions. Nevertheless, where they do exist, they seem to want to promote improvement. When professional associations do not exist, lines of communication between professional translators and interpreters are difficult to establish. Structures and mechanisms should be more clearly defined and regular consultation and collaboration established.

TRANSPARENCY IN THE CERTIFICATION PROCESS

Transparency has to do with the availability of information about certification procedures to all stakeholders, and especially to candidates for certification. Face validity, or the acceptance of an assessment scheme by stakeholders and by society in general, can only be achieved by making information public at all stages of the process. This begins with providing pre-certification materials, usually on-line, to interested parties and also feedback on exam performance to candidates. Those EU Member States that have some sort of certification exam do seem to have information on the internet about requirements, costs, dates and times for sitting for the exams. Another matter, however, is the provision of feedback to candidates on their test performance. This is not yet a universal practice, perhaps partially because of the complexity of some of the scoring mechanisms used and issues related to time and expense. Providing individualized feedback in writing within a reasonable period after an exam is taken, or immediate feedback at the time of an oral exercise, requires many hours of work on the part of examiners and increases the costs

of test administration. However, if a qualifying exam is not perceived of as fair, valid and reliable, there will be no trust in the system.

POST-CERTIFICATION OVERSIGHT AND MONITORING

One of the most overlooked aspects of the certification process is post-certification oversight and monitoring. In only a handful of countries is renewal of certification required. In even fewer are continuing professional development and/or actual experience required. In several countries, certification or being included on a list of interpreters is permanent and no structured mechanisms are in place for removal or revocation of the certification. Even in countries in which revocation or removal are contemplated, the procedure is often unclear and structure is lacking. Complaints may be received, but how they are processed was only specified in one or two of the country profile reports.

CONCLUSIONS

- Strong legislative mandates for quality and consistency in the provision of interpreting services in criminal proceedings do not exist in most EU Member States. Loopholes often exist that allow judges to appoint virtually any one to serve as an interpreter in a legal proceeding.
- There is a lack of uniformity of standards in all aspects of certification, training, and registration in E.U. Member States.
- There is not a clear “home” for the regulation or oversight of interpreting services. Ministries of Justice, the Interior, Foreign Affairs, and Culture, state prosecutor’s offices, private sector agencies, professional associations, and local judicial or police authorities have all been reported as involved in this very fragmented approach.
- As regards registers of “qualified” interpreters, there is a great deal of diversity in the approach taken internally in most Member States, with states, regions, judicial districts and even individual courts using different systems.
- With few exceptions, registers, where they do exist, are not based on valid and reliable testing or qualification schemes.
- When services are outsourced to private agencies, there are generally no stipulations as regards qualifications, certification, or working conditions included in the tender or contract.
- Specialized training, while available in some EU Member States, is the exception rather than the rule. Where it does exist, it is often

expensive and not available to speakers of languages of lesser diffusion.

- Remuneration, when reported, is usually quite low and does not reflect the qualifications, knowledge, skills and abilities asked of legal interpreters. Compensation for legal interpreters is not commensurate with compensation for other types of interpreting (conference, business, etc.) and does not reflect the importance of the role interpreters play in the criminal justice system. This discourages qualified individuals from working in the legal field.
- The cost to the candidate of going through certification, and of participating in training courses when required, is often prohibitive. This is especially true for speakers of languages of lesser diffusion, who are aware that the opportunities they have to work to offset the investment they are required to make are limited.
- Collaboration between stakeholders does appear to exist in many Member States but is often irregular and unstructured.
- There is little, if any, post-certification oversight or monitoring of professional practice, and grievance procedures are not clearly defined.
- Dealing with languages of lesser diffusion continues to be a problem in even the most developed systems.

APPENDIX 1. SAMPLE TESTS AND EXERCISES FROM CERTIFICATION SCHEMES IN THE EU

THE DIPLOMA IN PUBLIC SERVICE INTERPRETING (UNITED KINGDOM)

We wish to thank the IoL Educational Trust, the associated charity of the Chartered Institute of Linguists, for granting permission to reproduce an actual DPSI exam.

The Diploma in Public Service Interpreting (DPSI) is a first-degree level qualification for those interpreting in the UK in a Public Service context. Candidates choose from three specialised options: Law (English or Scottish), Local Government, and Health. The exam is currently set in English and over forty Other Languages. There are five Units: the first unit comprises two role-plays that test consecutive and simultaneous (whispered) interpreting (into and out of the Other Language), two sight translations (into and out of the Other Language) and two written translations (into and out of the Other Language).

The Units can be done in any order or combination, and credit is given for each Unit passed, but all Units must be completed within five years to achieve the full Diploma. There is one session per year for the Oral Units and two per year for the written Units.

On the following pages a DPSI English-Spanish Law certification exam is provided. Criterion statements for all units and sample marksheets are also provided.

For ease of reference, the role-play (Unit 1) is shown here with the complete text in English. In a live examination, the words spoken by the Complainant would be translated into the Other Language, in this case Spanish.

Documents:

Unit 1: Consecutive and Simultaneous (Whispered) Interpreting Exercise

Units 2 & 3: Sight Translation into and from English

Unit 5: Translation exercise (a required part of the Certification)

Band descriptors (same for Units 1, 2 and 3)

Scoring sheet

DPS112/EL/A

LANGUAGE: SPANISH

PATHWAY: ENGLISH LAW

SESSION: JUNE 2012

IoL EDUCATIONAL TRUST

IoLET Level 6 Diploma in Public Service Interpreting (QCF)

Qualification Number: 501/1250/8

Wednesday 20th June 2012

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DPSI12/EL/A

IoLET Level 6 Diploma in Public Service Interpreting (QCF) 501/1250/8**ENGLISH LAW****JUNE 2012****Unit 01: Interpret Consecutively and Simultaneously (Whispered) in the Public Services Context of English Law (K/602/2328)****CANDIDATE'S PROMPT NOTES*****Candidates have five minutes to study these notes***

You are asked to interpret on two occasions. It is essential to interpret accurately and fully, demonstrating a professional and confident manner, including objective understanding of the cultures and conventions involved.

At the beginning of each role play, it will be assumed that the participants have already been introduced to each other and the interpreter's role has been explained.

In the process of the role play the interpreter will be expected to intervene appropriately if and when necessary (for example to ask for clarification or to alert the parties to a missed cultural inference) and to explain in both languages why s/he is doing so.

1ST SCENARIO (PART A) - Approximately 15 minutes

Consecutive interpreting technique (i.e. interpreting after an interlocutor has stopped speaking) to be used for approximately 10 minutes in total and whispered technique (i.e. interpreting whilst an interlocutor is speaking) from the Other Language into English for approximately 5 minutes.

CONTEXT: An interview between a police inspector and a member of the public who is an Other Language-speaker regarding a complaint in respect of a police constable's handling of a criminal investigation.

Interlocutor i)	English-speaking police inspector
Interlocutor ii)	Other Language-speaking complainant

2ND SCENARIO (PART B) - Approximately 15 minutes

Consecutive interpreting technique (i.e. interpreting after an interlocutor has stopped speaking) to be used for approximately 10 minutes in total and whispered technique (i.e. interpreting whilst an interlocutor is speaking) from English into the Other Language for approximately 5 minutes.

CONTEXT: A shop keeper accused of the offence of handling stolen goods seeks advice from a solicitor.

Interlocutor i)	English-speaking solicitor
Interlocutor ii)	Other Language-speaking client

DPSI Oral Timings

Unit 01 (Part A and Part B) will take approximately 30 minutes. If the examination exceeds 40 minutes, it will be stopped by the Oral Examiner and will not be marked beyond this point.

THIS SHEET MUST NOT BE REMOVED BY THE CANDIDATE.

DPS112/EL/A

IoLET Level 6 Diploma in Public Service Interpreting (QCF) 501/1250/8

SPANISH/ENGLISH LAW

JUNE 2012

Unit 01: Interpret Consecutively and Simultaneously (Whispered) in the Public Services Context of English Law (K/602/2328)

1st Scenario (Part A)

Instructions to Interlocutors

PLEASE REMEMBER

In order to keep the role play as natural as possible:

- Keep eye contact with the other interlocutor at all times
- Do not read off the script
- In the consecutive section, please pause after each speech segment (indicated by a double-slash) to allow the candidate to interpret

Glossary Notes: You may find a glossary at the end of some of the role plays. You can use these definitions to rephrase a term if a candidate does not understand it. Do not use these alternatives unless they are necessary to ensure the continuation of the dialogue.

PLEASE ADJUST THE GENDER OF THE PERSONAL PRONOUNS IN THE TEXT TO MATCH YOUR OWN

DPSI12/EL/A

IoLET Level 6 Diploma in Public Service Interpreting (QCF) 501/1250/8**«OTHER LANGUAGE»/ENGLISH LAW****JUNE 2012****Unit 01: Interpret Consecutively and Simultaneously (Whispered) in the Public Services Context of English Law (K/602/2328)****1st Scenario (Part A)*****(Gender for personal pronouns to be chosen as appropriate)*****ENGLISH-SPEAKING POLICE INSPECTOR'S PROMPT NOTES****CONTEXT:**

You are a police inspector meeting with a «Language»-speaking member of the public regarding a complaint in respect of a police constable's handling of a criminal investigation.

«OTHER LANGUAGE»-SPEAKING COMPLAINANT'S PROMPT NOTES**CONTEXT:**

You are a «Language»-speaking member of the public who is meeting with a police inspector regarding a complaint in respect of a police constable's handling of a criminal investigation.

CONSECUTIVE INTERPRETING**I. Police Inspector**

Hello. Please tell me how I can be of assistance to you.

1. Complainant

I am here to make a complaint regarding the actions of one of your police constables. // I was informed that the constable comes under your supervision, and that to make a complaint, it should be made directly to you.

II. Police Inspector

It is correct that inspectors handle complaints of constables. I would normally receive comments or complaints in written form. // However, I am happy to have a discussion with you. Can you tell me the constable's details, please?

2. Complainant

Yes, it was Constable 2891 Kane. I believe she is one of yours?

III. Police Inspector

Yes, she is. I am sorry to hear you have reason to complain. Do you want to explain what this reason is?

DPS112/EL/A

3. Complainant

I will get to that in a minute. Firstly, can you explain to me the procedure for making a formal complaint against a constable?

IV. Police Inspector

There is more than one process, depending on the seriousness of the allegation. // What is called 'Local Resolution' involves dealing with the complaint locally by a duty inspector or police staff manager. // The 'Local Resolution' of a complaint does not involve the disciplinary process // and will not result in misconduct proceedings against an officer or member of police staff. // The complaint will be closed after the process has been completed. // This is only suitable for non-serious incidents or complaints.

4. Complainant

So I can make this form of complaint to you. // And what about where I feel that the complaint warrants a more formal disciplinary process?

V. Police Inspector

That may involve the Independent Police Complaints Commission, the IPCC, // whose job it is to make sure that complaints against the police in England and Wales are dealt with effectively.

5. Complainant

And what kind of complaints does the IPCC deal with?

VI. Police Inspector

You would normally be expected to show that you were 'adversely affected' by the behaviour you want to complain about. // This means that whether the behaviour was towards you or not, it had some sort of negative effect on you. // You might have been distressed or inconvenienced by it, // you might have suffered some sort of loss or damage because of it or you might have been put in danger. // Do you want to explain your complaint to me in detail?

WHISPERED INTERPRETING

At this point the police inspector will ask the interpreter: "Do you want to move?" The complainant will then take about five minutes to explain what had happened. During this time the interpreter will move to give the police inspector whispered simultaneous interpretation.

6. Complainant

Fine, I will! Your PC Kane has basically been guilty of terrible customer service skills in my book. I was assaulted in the street by an individual in broad daylight. There were witnesses. One witness' details were definitely taken and PC Kane was going to contact him for a statement of his version of events. There must have been CCTV. Was this checked? I do not believe it was. I would like a copy of any CCTV footage to review it myself. I was provided with the details of the individual responsible –

DPS112/EL/A

which in my opinion was very careless of your constable if she put any stock in the false accusations made by my assailant.

PC Kane informed me that she would be following up on the identity of my assailant immediately and would be in touch the following day. I waited for 5 days before I finally rang PC Kane to find out what had happened. There was no apology or explanation for the delay. She said the car in which my assailant had made a getaway had been traced, but that the driver had an alibi and did not match the description of my attacker.

When I asked what was going to be done I was informed that it was supposedly rather difficult to prosecute for assault where there were different versions of events, and impossible where the person could not be traced. I said that I didn't care how hard it might seem, and that she could at least attempt to find the person responsible.

By this time I was getting very flustered and angry. I may have used a swear word to express my annoyance at her attitude, for which I am sorry. However, the officer then told me in no uncertain terms that I had used abusive language, and she hung up on me. I didn't have a chance to apologise and explain that my outburst had not been meant as an attack on the officer, but an expression of my frustrations.

The police inspector will now ask the interpreter to move back.

CONSECUTIVE INTERPRETING

VII. Police Inspector

I see. We take a very hard line on physical or verbal attacks from the public. // Our officers are attempting to do a very challenging job, // and they have a right to work in a sometimes dangerous area without having to worry about attacks or abuse from the people we are trying to help.

7. Complainant

I know, and I understand that. However, I do believe that I am more annoyed by the way the police officer handled this incident, // and that officer in particular, than by my attacker. // I am determined to get an apology at the least. I have lost a lot of faith in the police because of this. // I think it is only right to bring this to your attention.

VIII. Police Inspector

I am very sorry to hear that this has concerned you so much.

8. Complainant

That is all very well, but I got the impression that the PC did not even check the CCTV, or perhaps follow up what was there. // I feel she may have looked upon this as a minor assault and that it doesn't deserve her attention.

IX. Police Inspector

It happens that CCTV is unhelpful occasionally. It is a useful tool but we do not have total coverage of every street and alley.

9. Complainant

DPS112/EL/A

I would appreciate it if you could investigate how this investigation has been carried out, and I won't forget the apology.

X. Police Inspector

Well, I am unable to apologise on behalf of the constable unless specifically and directly requested to. // I am, however, sorry if you feel you have been unfairly treated. I shall speak to the constable in question and be in touch.

10. Complainant

Thank you. That is appreciated.

END OF INTERVIEW

DPSI12/EL/A

IoLET Level 6 Diploma in Public Service Interpreting (QCF) 501/1250/8**SPANISH/ENGLISH LAW****JUNE 2012****Unit 01: Interpret Consecutively and Simultaneously (Whispered) in the Public Services Context of English Law (K/602/2328)****2nd Scenario (Part B)****Instructions to Interlocutors**

PLEASE REMEMBER

In order to keep the role play as natural as possible:

- Keep eye contact with the other interlocutor at all times
- Do not read off the script
- In the consecutive section, please pause after each speech segment (indicated by a double-slash) to allow the candidate to interpret

Glossary Notes: You may find a glossary at the end of some of the role plays. You can use these definitions to rephrase a term if a candidate does not understand it. Do not use these alternatives unless they are necessary to ensure the continuation of the dialogue.

PLEASE ADJUST THE GENDER OF THE PERSONAL PRONOUNS IN THE TEXT TO MATCH YOUR OWN

DPS112/EL/A

IoLET Level 6 Diploma in Public Service Interpreting (QCF) 501/1250/8**«OTHER LANGUAGE»/ENGLISH LAW****JUNE 2012****Unit 01: Interpret Consecutively and Simultaneously (Whispered) in the Public Services Context of English Law (K/602/2328)****2nd Scenario (Part B)***(Gender for personal pronouns to be chosen as appropriate)***ENGLISH-SPEAKING SOLICITOR'S PROMPT NOTES****CONTEXT:**

You are a solicitor meeting with a shop keeper accused of the offence of handling stolen goods who has come to you to seek advice.

«OTHER LANGUAGE»-SPEAKING CLIENT'S PROMPT NOTES**CONTEXT:**

You are a shop keeper accused of the offence of handling stolen goods who is seeking advice from a solicitor.

CONSECUTIVE INTERPRETING**I. Solicitor**

Hello. I'm the criminal law practitioner here. // I always find that by far the best method of advising a client is face to face. I do, as it happens, have a number of important questions for you.

1. Client

Well, there are certain things about my case which will need to be handled very carefully. // It's a delicate situation and if it goes wrong it's likely to prove extremely embarrassing for me. // I'm in business you see, and have a great deal to lose.

II. Solicitor

Well, suppose we start at the beginning. I see from your file that you anticipate being charged soon with the criminal offence of handling stolen goods. // Tell me a little more, please, about your personal situation.

2. Client

I'm an antiques dealer. I buy, sell and exchange interesting old objects, mainly things like clocks, paintings and small items of furniture. // I keep a shop, just off the high street, only ten minutes from here.

DPSI12/EL/A

III. Solicitor

I understand too that the matter on your mind today relates to your business. // I think you indicated on the phone that you've come into possession of an item which the police also happen to be interested in.

3. Client

You see, in my business there is usually a fairly rapid turnover, so in order to maintain a good level of stock I sometimes need to go out into the markets and simply buy what I can. // Now, that's very different to doing business with regular customers.

IV. Solicitor

Of course it is. For one thing, you may not know who you're dealing with. Secondly, the origins, or provenance of the stock may not be always verifiable. // I have had professional experience of this sort of matter.

4. Client

Ah, well, to cut a long story short: two weeks ago, I visited our local flea market and met a gentleman selling a nice clock, which I bought and placed in my shop window. // Last Saturday two policemen came in and told me that the clock matched the description of a clock reported stolen. // They now propose charging me with handling stolen goods, so I've come to you for expert advice. // Where do I stand here? I'm not a thief.

WHISPERED INTERPRETING

At this point the solicitor will ask the interpreter: "Do you want to move?" The solicitor will then take about five minutes to talk about the offence of handling stolen goods. During this time the interpreter will move to give the client whispered simultaneous interpretation.

V. Solicitor

The offence of handling stolen goods is related to that of theft, and there are overlaps between the two. They both involve an element of dishonesty, for example. Generally speaking, handling consists of accepting or receiving goods which have been stolen by someone else, the thief. In most cases the handler simply takes the goods in question into his or her possession and in that way acquires control over them.

In fact the law takes an even more serious view of handling than it does of theft, and for that reason handling carries a more severe punishment. The reasoning being that without handlers to pass their stolen goods on to, there would be fewer thieves operating.

Of course, merely handling or receiving goods which happen to have been stolen is not in itself a criminal offence. The handler's state of mind is a crucial factor in determining guilt. The person accused of handling must also *know or believe* those goods to have been stolen, at the time of receiving them. Knowledge generally means *certainty*, as when a person is *told* that the goods are stolen. Belief, on the other hand will involve there being no other explanation except that the goods were stolen, which might amount to *virtual certainty*. A mere *suspicion*, however, that the

DPS112/EL/A

goods *may* have been stolen will not be enough. Basically, the handling or receiving of the goods in question must amount to a *dishonest act* on the part of the handler.

At a criminal trial for handling stolen goods, the responsibility of showing or proving such knowledge or belief rests with the prosecution.

It is obvious that your specialist knowledge of the antiques trade and your past experience will be relevant factors here. Circumstantial issues, such as the identity of the seller, the market value of the item, the price you paid for it and your potential profit margin will all be suggestive of whether you used your professional expertise to take advantage of the situation.

The solicitor will now ask the interpreter to move back.

CONSECUTIVE INTERPRETING

5. Client

I can see how a jury might think I acted dishonestly. // You're really saying, aren't you, that the better the bargain, the more likely it is that I acquired this clock dishonestly. // I must admit that I did consider it a great bargain. I would have made a handsome profit on it. I won't now, of course.

VI. Solicitor

I have a few questions now. Did you know the seller of the clock? Did you ask for and receive a receipt? // And when you say a bargain, how much below the market value did you get it for?

6. Client

Well, it's 'no' to the first two questions. This sort of thing often happens at markets. It's the way these people operate, really. It's not necessarily dishonest. // It was a cash deal too, by the way. I suppose that makes things worse. It was very, very cheap too.

VII. Solicitor

You see, in order to determine criminal intent, a jury would be invited to draw inferences from the surrounding circumstances, the ones you've outlined. // They may ask themselves whether you exercised reasonable care. Could I ask whether you have previous criminal convictions?

7. Client

No, I haven't got a criminal record. I could also call character evidence in court. I could easily find people to testify on my behalf. // I'd be prepared to fight this charge all the way. How do you rate my chances then?

VIII. Solicitor

I'd say at the moment about 50-50, but that could improve as we construct our case. // You should also look into the possibility of calling expert evidence to show that what happened at the market is nothing unusual in the antiques business.

8. Client

DPSI12/EL/A

Yes, it is the common 'modus operandi' if you like to buy things in that way. // Cash deals are also the norm. That could go a long way to support my version of events. // I never thought of that. I see now that there is a lot I can do to fight this charge.

IX. Solicitor

Yes, there is, and I'll help you of course, if you decide to engage me as your solicitor. // In the meantime I think we've covered about everything for today. I'll await your decision. Good day.

END OF INTERVIEW

DPS112/EL/A

IoLET Level 6 Diploma in Public Service Interpreting (QCF) 501/1250/8**SPANISH/ENGLISH LAW****JUNE 2012****Unit 02: Provide a Sight Translation into English in the Public Services Context of English Law (K/602/2393)****Time allowed: 10 minutes****INSTRUCTIONS TO CANDIDATES**

Study the following text for five minutes. The examiner will then ask you to give an accurate and complete oral translation and will allow you up to five minutes to do this. Candidates are not allowed to take notes or to annotate or mark the text in any way.

CONTEXT:

A person whose first language is not English is seeking information from a local legal clinic regarding claiming civil legal aid. Please provide a sight translation for the solicitor dealing with this correspondence.

SIGHT TRANSLATION TEXT

Estimado señor,

Quisiera iniciar una querrela contra una entidad pública a causa de una prolongada disputa que no tiene miras de resolverse, para lo cual necesitaría asesoramiento legal y representación letrada en juicio.

Le agradecería que me enviara información sobre los requisitos para obtener asistencia legal en cuestiones civiles y cómo solicitarla. Si dicha ayuda no me fuera concedida, no podría afrontar los gastos de un letrado.

Tengo entendido que el presente gobierno ha reducido o está reduciendo y restringiendo la asistencia legal en materia civil en ciertos casos. Le ruego que me informe qué efecto tienen estas medidas sobre la gestión de ayuda legal actual y a qué contribución tendría derecho de acuerdo con el nuevo régimen.

Si no pudiera obtener asistencia legal, ¿podrían ustedes mismos proveer el asesoramiento legal y la representación letrada que necesito? Si así fuera, le ruego que me indique cómo solicitarlas y me informe también si la ayuda que ustedes prestan se limita sólo a ciertos tipos de causa o asunto jurídico.

Si usted lo cree necesario, podría ir a su oficina personalmente, para discutir este asunto en más detalle.

Le saluda atentamente,

Manuel Girón

THIS PAGE MUST NOT, IN ANY CIRCUMSTANCES, BE REMOVED BY THE CANDIDATE.

DPSI12/EL/A

IoLET Level 6 Diploma in Public Service Interpreting (QCF) 501/1250/8**SPANISH/ENGLISH LAW****JUNE 2012****Unit 03: Provide a Sight Translation from English in the Public Services Context of English Law (D/602/2407)****Time allowed: 10 minutes****INSTRUCTIONS TO CANDIDATES**

Study the following text for five minutes. The examiner will then ask you to give an accurate and complete oral translation and will allow you up to five minutes to do this. Candidates are not allowed to take notes or to annotate or mark the text in any way.

CONTEXT:

A Spanish-speaking parent whose child has been arrested, has acquired information on what happens when a child is arrested by the police. You are asked for a sight translation.

SIGHT TRANSLATION TEXT**When a child is arrested**

When a young person (under the age of 17) is arrested by police in connection with a criminal offence, parents or guardians must be informed as soon as possible. Advice and support should be available from the Local Youth Offending Team.

Police must not interview the child except in the presence of the parent or guardian, unless this is necessary in order to prevent a further crime from occurring, and then only in the presence of an independent adult.

The child will at all relevant times have the right to private and confidential legal advice from a solicitor.

In England and Wales no child under the age of 10 can be charged with a criminal offence.

In the case of a child in trouble for the first time or being arrested for anti-social behaviour the police may decide to only formally reprimand or merely warn or advise the child that such behaviour is unacceptable.

Police have the power to detain the child in custody or to release him on bail.

Free legal aid should be available on application to the court.

THIS PAGE MUST NOT, IN ANY CIRCUMSTANCES, BE REMOVED BY THE CANDIDATE.

DPSI ASSESSMENT CRITERION STATEMENTS FOR UNIT 01 Interpret Consecutively and Simultaneously (Whispered) in the Public Services			
Band A - DISTINCTION	Accuracy	Delivery	Language Use
	Mark Range 10-12	Mark Range 10-12	Mark Range 10-12
The candidate: <ul style="list-style-type: none"> conveys sense of original message with complete accuracy transfers all information without omissions, additions, distortions demonstrates complete competence in conveying verbal content and familiarity with subject matter 		The candidate: <ul style="list-style-type: none"> demonstrates complete competence in languages switches effortlessly between languages interprets clearly and smoothly reflects tone, emotion and non-verbal signs appropriate to situation displays a courteous and confident manner remains unobtrusive and impartial handles intercultural references correctly displays good management strategies intervening appropriately and only when necessary to clarify or ask for repetition or to prevent breakdown of communication 	The candidate: <ul style="list-style-type: none"> demonstrates excellent command of grammar, syntax, vocabulary, specialist terminology with minimum paraphrasing chooses language and register entirely appropriate to situation has clear, distinct pronunciation has an accent which in no way affects ease of comprehension
Band B - MERIT		Mark Range 7-9	Mark Range 7-9
The candidate: <ul style="list-style-type: none"> accurately conveys sense of original message makes only one or two minor omissions/distortions not affecting correct transfer of information or complete comprehension 		The candidate: <ul style="list-style-type: none"> demonstrates good competence in languages switches easily between languages interprets for most part clearly and smoothly reflects tone, emotion and non-verbal signs of interlocutors displays a courteous and confident manner remains unobtrusive and impartial handles intercultural references correctly intervenes justifiably and appropriately makes occasional slip or sign of nervousness but not leading to communication problem 	The candidate: <ul style="list-style-type: none"> demonstrates good command of grammar, syntax, vocabulary, and specialist terminology paraphrases in clear, concise way, where appropriate chooses language, register largely appropriate to situation has clear, distinct pronunciation has an accent which in no way or only occasionally affects ease of comprehension
Band C - PASS		Mark Range 4-6	Mark Range 4-6
The candidate: <ul style="list-style-type: none"> adequately conveys sense of original message makes no serious inaccuracies, omissions or distortions affecting comprehension or transfer of information 		The candidate: <ul style="list-style-type: none"> demonstrates adequate competence in language switches between languages without major problem shows some confidence while interpreting makes reasonable attempt to reflect suitable tone, emotion and demeanour displays a manner, delivery and interventions, occasionally not completely appropriate, but not leading to irretrievable breakdown of communication 	The candidate: <ul style="list-style-type: none"> demonstrates adequate command of grammar, syntax, vocabulary and specialist terminology keeps paraphrasing to acceptable level may choose inappropriate language/register at times but not impairing overall transfer of information may occasionally display faulty pronunciation or a pronounced accent but without impairing message
Band D - FAIL		Mark Range 1-3	Mark Range 1-3
The candidate: <ul style="list-style-type: none"> does not, or only partially, convey sense of original message makes serious inaccuracies, omissions, distortions affecting comprehension and transfer of information demonstrates inadequate grasp of language and/or subject matter 		The candidate: <ul style="list-style-type: none"> demonstrates inadequate competence in languages has problems switching between languages lacks confidence and clarity does not attempt to reflect tone, emotion relevant to situation sounds flat and mechanical or too loud and overbearing fails to apply suitable management strategies where appropriate, e.g. asking for repetition/clarification makes excessive requests for repetition/clarification 	The candidate: <ul style="list-style-type: none"> has inadequate command of grammar, syntax, vocabulary and specialist terminology uses excessive and inaccurate paraphrasing which distorts meaning uses register which prevents successful transfer of message has a strong accent, intonation or stress patterns, making it difficult to understand meaning of message

EXAMINER'S MARK SHEET – UNIT 01 PART A**Unit 01: Interpret Consecutively and Simultaneously (Whispered)****CANDIDATE DETAILS**

FULL CANDIDATE NUMBER (As written on registration card)	LANGUAGE	PATHWAY & ALT.

There are 3 categories of assessment (Accuracy, Delivery, Language Use) for each of the 3 aspects of interpreting being assessed. Each category has 4 bands (D, C, B, A) which are described in the Criterion Statements. Read the Statements for each category and allocate the number of marks you consider most appropriate to the candidate's performance in that category. Write your scores in the blank boxes, total and fill in the result and circle the overall grade. **You MUST also comment on the candidate's performance in the "COMMENTS AND EXAMPLES" section.**

					COMMENTS AND EXAMPLES:	
Unit 01: Consecutive Interpreting (Other Language into English)						
	BAND D Mark Range: 1-3	BAND C Mark Range: 4-6	BAND B Mark Range: 7-9	BAND A Mark Range: 10-12		
Accuracy:						
Delivery:						
Language Use:						
Unit 01: Whispered Interpreting (Other Language into English)						
	BAND D Mark Range: 1-3	BAND C Mark Range: 4-6	BAND B Mark Range: 7-9	BAND A Mark Range: 10-12		
Accuracy:						
Delivery:						
Language Use:						
Unit 01: Consecutive Interpreting (English into Other Language)						
	BAND D Mark Range: 1-3	BAND C Mark Range: 4-6	BAND B Mark Range: 7-9	BAND A Mark Range: 10-12		
Accuracy:						
Delivery:						
Language Use:						
Fail = Fewer than 36 marks or fewer than 4 marks in any of the 9 categories Pass = A minimum of 36 marks with no fewer than 4 marks in each of the 9 categories Merit = A minimum of 63 marks with no fewer than 4 marks in each of the 9 categories Distinction = A minimum of 90 marks						
*** Note that a mark of 3 or below in ANY part of the paper leads to an overall fail ***						
Overall Grade (Please circle)	FAIL	PASS	MERIT	DISTINCTION	TOTAL MARKS:	
ORAL EXAMINER'S NAME & SIGNATURE: _____ / _____					DATE: _____/06/2013	

EXAMINER'S MARK SHEET – UNIT 01 PART A**Unit 01: Interpret Consecutively and Simultaneously (Whispered)****CANDIDATE DETAILS**

FULL CANDIDATE NUMBER (As written on registration card)	LANGUAGE	PATHWAY & ALT.

Additional Comments

Please use this section to make any additional comments about the performance of the Candidate if there is insufficient space to do so in the sections opposite.

ORAL EXAMINER'S NAME & SIGNATURE:_____/_____
_____**DATE:** _____/06/2013

DPS112/EUA

IoLET Level 6 Diploma in Public Service Interpreting (QCF) 501/1250/8**SPANISH/ENGLISH LAW****JUNE 2012****Unit 05: Translate from English in the Public Services Context of English Law
(Y/602/2437)*****Time allowed: 1 hour******Dictionaries and other reference works brought into the examination room may be used*****CONTEXT:**

A Home Office guidance leaflet is available, which contains details of immigration under the new Tier 1 (Exceptional Talent) rules. You have been asked to provide a written translation of the main body of the text.

TEXT TO BE TRANSLATED**Immigrating to the UK as an Exceptionally Talented Individual**

This leaflet explains whether and how you can come to the UK under Tier 1 (Exceptional Talent) of the points-based system.

Tier 1 (Exceptional Talent) is for people who are internationally recognised as world leaders or potential world-leading talent in the fields of science and the arts, and who wish to work in the UK.

Before you apply, you must read the Tier 1 (Exceptional Talent) policy guidance, which you can find on our website. You cannot apply under Tier 1 (Exceptional Talent) if you are already in the UK.

Tier 1 (Exceptional Talent) is part of our points-based system, which is for migrants from outside Europe. You do not need to apply under the points-based system if for example you are a British overseas territories citizen; or you are a Commonwealth citizen with permission to enter or stay in the UK; or you have no conditions or time limit attached to your stay.

The UK government has limited the number of applications that can be made under Tier 1 (Exceptional Talent).

Every initial application must be endorsed by a 'designated competent body'. For example there was a limit of 1,000 endorsements between 9 August 2011 and 5 April 2012. The endorsements are assigned to the Designated Competent Bodies in 2 phases.

The number of endorsements available are divided between each of the Designated Competent Bodies in that field, as agreed between the Home Secretary and those bodies.

THIS PAGE MUST NOT, IN ANY CIRCUMSTANCES, BE REMOVED BY THE CANDIDATE.

THE SWEDISH CERTIFICATION SCHEME: TERMINOLOGY EXERCISE FOR LEGAL INTERPRETING SPECIALIST

We wish to thank the Kammarkollegiet for granting permission to reproduce this component of the certification.

In Sweden, candidates must first be awarded authorization, which implies that they have passed several written and oral tests, before they are able to sit for the specialist qualification as a legal interpreter. As regards terminology, the general test covers the fields of healthcare, social security, the labour market, and what is classified as “everyday law”, i.e. general legal terms. In this appendix, we include the instruction sheet given to candidates before they take the general terminology test (translation provided by Cecilia Wadensjö) and an actual terminology test for specialisation as a legal interpreter (see Chapter 9 for a more complete description of certification practices in Sweden).

KAMMARKOLLEGIET
authorisation, general level
Förvaltningsrättsliga enheten

Terminology test for interpreter

Language	Date	Test number:
English–Swedish	2011-09-07	

The terms in the test are drawn from the fields of social security, health care, labour market and everyday Law. **Each correctly translated term is worth 3 points.**

When you write your answer, pay attention to under which headline the term is presented and to the part of speech it represents, i.e. nouns, verbs, and so forth.

In the terminology test, write only one answer per term. If you enter several alternative answers and one of these is wrong, the entire answer will be regarded as wrong!

Write clearly!
Good Luck!

Number of points _____ of maximum 300 = _____ % correct answers.

Assessor: _____

KAMMARKOLLEGIET
Förvaltningsrättsliga enheten

Test for specialist qualification as legal interpreter 1 (4)
Terminology test

Test number:

Language English to Swedish	Date 2012-02-15	
---------------------------------------	--------------------	--

Number of points _____ of maximum 300 = _____ % correct answers. Assessor:

Terms	Translations	Poi nts	Cor rect	Wro ng
1. accomplice		3		
2. acknowledge		3		
3. aiding the escape of a prisoner		3		
4. annual general meeting		3		
5. annuity		3		
6. appellant		3		
7. assault and battery		3		
8. (to) assign		3		
9. asylum seeker		3		
10. attachment of earnings		3		
11. attempted				
12. auditors' report		3		
13. autopsy		3		
14. bankruptcy order		3		
15. blackmail		3		
16. breath test		3		
17. cancel (a contract)		3		
18. careless driving		3		
19. chief constable		3		
20. civil marriage		3		
21. claimant		3		
22. closing speeches (in court)		3		
23. cohabitation		3		
24. comply with		3		
25. condominium		3		

Total points: _____

2.

Terms	Translation	Poi nts	Cor rect	Wro ng
26. conspiracy		3		
27. contact (with a child)		3		
28. (to) convict		3		
29. criminal proceedings		3		
30. debtor		3		
31. defense attorney		3		
32. deport		3		
33. dissenting opinion		3		
34. dividend		3		
35. employee		3		
36. enforcement		3		
37. estate (of the deceased)		3		
38. estate agent		3		
39. extradite		3		
40. failing to stop (after an accident)		3		
41. false imprisonment		3		
42. financial year		3		
43. fixed-term employment		3		
44. fraud		3		
45. full age		3		
46. gross negligence		3		
47. guarantor		3		
48. handling stolen goods		3		
49. hearing		3		
50. honour violence		3		

Antal poäng: _____

3.

Terms	Translation	Poi nts	Cor rect	Wro ng
51. improper		3		
52. interlocutory		3		
53. interviewing officer		3		
54. judgment in default		3		
55. judicial review		3		
56. landlord		3		
57. law of contract		3		
58. lease		3		
59. legacy		3		
60. liability insurance		3		
61. libel		3		
62. limitation period		3		
63. limited company		3		
64. limited partnership		3		
65. lower court		3		
66. lump sum		3		
67. mediation		3		
68. merger		3		
69. misconduct in public office		3		
70. misdemeanor		3		
71. (to) mortgage		3		
72. natural person		3		
73. necessity		3		
74. officer of the court		3		
75. omission		3		

Total points: _____

4.

Terms	Translation	Poi- nts	Corr ect	Wro ng
76. pain and suffering		3		
77. parole		3		
78. position of trust		3		
79. precedent		3		
80. probation officer		3		
81. product liability		3		
82. public order		3		
83. refugee status		3		
84. restraining order		3		
85. scene of crime		3		
86. search (of premises)		3		
87. sentence		3		
88. settle out of court		3		
89. shareholder		3		
90. solicitor		3		
91. stirring up racial hatred		3		
92. sub-let		3		
93. subsidiary (company)		3		
94. try a case		3		
95. unsolicited		3		
96. uphold (a decision)		3		
97. vendor		3		
98. void		3		
99. with intent		3		
100. witness summons		3		

Total points: _____

Points:

p. 1 _____ p. 2 _____ p. 3 _____ p. 4 _____

Total marks awarded: _____

EXAMPLE OF AN OPEN ROLE-PLAY

The Kebab incident¹

Notes for the police officer: Your task is to interview the suspect. You must try to establish exactly what happened that night. NOTE: You do not believe the suspect's story. Use your own ideas to question the suspect. Try to build up an accurate picture in your mind of exactly what was happening in the shop. Look for contradictions in the story.

You have arrested the suspect on suspicion of causing grievous bodily harm to Mr. Phil Johnson during a fight at the Boltan Kebab shop at around 23.30 on Friday 24th January 2014. Your information is as follows:

When you and the other two police officers arrived at the scene of the incident at 23.45 on that date, you entered the shop to find a man sitting on the floor with his back against a table. He appeared to be unconscious and he had blood running down the right side of his face from a wound on his right temple. The suspect was standing over him holding a large stick with a metal hook on the end in his left hand. Another man was watching from behind the counter, while a third man, Mr Bayraktar, was holding the suspect from behind, as if trying to restrain him. Mrs Bayraktar was trying to speak to the unconscious man, in an attempt to see whether he was 'alright' or not. The injured man was taken to hospital where he was discovered to have a fractured skull. On being interviewed later that night, Mr Johnson alleged that the suspect had hit him with the large wooden stick and caused the injury to his head.

First of all, inform and ensure the suspect's rights, then question the suspect in detail about the events that night. You have the following information to use, in addition to what you yourself saw:

- a. The victim of the attack, Mr Johnson, claims that it was definitely the suspect who attacked him. He has given a description of his attacker that matches the suspect's appearance.
- b. Mr Bayraktar has said in interview that he went to the telephone to ring the Police and that when he came back into the front of the shop, he found the suspect fighting with Mr Johnson. He says that the suspect AND Mr Johnson both had their hands on the stick, and were struggling with it, as if Mr Johnson was trying to defend himself from a blow. Mr Bayraktar says he thinks suspect had already hit him once with the stick and that the man suddenly fell to the floor, dazed.

1. Contributed by Brooke Townsley, unpublished material, 2003.

- c. There is another witness, who was sitting outside in a car. She has given a description of what she saw happening in the shop.

Notes for the suspect: You were an innocent bystander. As a matter of fact you tried to help the victim and you stayed around until the police arrived at the scene of the incident. You find the remarks and approach of the police officer offensive, you suspect him of being racist.

You have been arrested following a fight that took place at the Boltan Kebab shop in the late hours of last night. You have been arrested on suspicion of assault causing grievous bodily harm. This is your account of what happened:

It was about 11.30, the shop was fairly quiet. There were about 3 other customers in the shop. Three young men whom you would describe as white males between the ages of 18 and 25, with short cropped hair, piercings and wearing baseball caps came into the shop. They all ordered food, which Mrs Bayraktar, who was serving behind the counter at the time, gave to them. You were working in the kitchen.

You heard shouting coming from the central part of the restaurant so you went out to see what was going on. One of the young men was gesticulating and shouting at Mrs. Bayraktar and her husband, who was standing next to her. You heard him shouting "You fucking foreigners. Why don't you f...off back to your own country. I'm not paying for this shit" and so on. The young man who was shouting suddenly threw the packed food he held in his hand in Mrs Bayraktar's face and started to attempt to climb over the counter into the serving area behind. Mr. Bayraktar tried to stop him and was trying to prevent him getting over the counter. At this point, the other young men were also shouting and laughing. You think they were trying to encourage the other young man in his attempts to get over the counter.

You ran out and shouted in Turkish, 'I'm going to call the Police'. The young men seemed to recognise the word 'Police' because they looked at you and started shouting something to their friend.

What happened next happened very quickly. The two young men who were egging on their friend started instead to try and get him down off the counter. By this time he had got one knee onto the counter surface and was trying to get the other leg on to the surface. Mr. Bayraktar was still trying to obstruct him. The other young men grabbed him round the waist and told him to 'come on'. The young man on the counter suddenly seemed to lose his balance and fall backwards. He landed on his feet but overbalanced and fell back, banging his head against a Formica table in the process. He then slumped down on the floor, seemingly unconscious. The other two men ran

out of the shop and made off in the direction of the town centre. Mr. Bayraktar had by this time picked up a large stick that you use to pull down the shutters of the premises at closing time, come round to the other side of the counter and chased after the young men. He stopped a few paces outside the door however, and stood there watching. Mrs. Bayraktar came over to where the young man was lying slumped against a table and knelt down to see if he was alright. You had followed Mr. Bayraktar out of the shop; at a particular point, he handed the large stick to you to hold and turned back into the shop. At that moment the police car arrived.

Notes for the interpreter: You have been called to come to the police station to interpret an interview between a police officer who arrested a suspect on the spot and allegedly in the act of committing a robbery with gross bodily harm and the foreign-language speaking suspect.

EXAMPLE OF A SCRIPTED ROLE-PLAY WITH SCORING UNITS MARKED

This role-play is a simulation of testimony that might be given by a physician who has been called as an expert witness in a murder case. It is reproduced here entirely in English for ease of comprehension. In a real test situation, the exchange would be in two languages and the interpreter would interpret in both directions.

Scoring units have been marked on this exercise. Raters would be asked to evaluate the candidate's renditions of these specific units and mark each as correct or incorrect.

Instructions to raters: Listen to the renditions provided by the candidate. On the scoring sheet, mark incorrect answers with an X. Mark any omissions by putting the omitted information in parenthesis. A scoring unit that is not rendered is counted as an error. Some scoring units are words and some are phrases. Each must be rendered completely and correctly. Partially correct responses are counted as errors. Pronunciation and delivery is not to be considered at this time, unless the rendition given by the candidate cannot be understood.

Note: Raters are usually provided with a list of acceptable and unacceptable responses (see [Chapter 3](#)) and indications are given to the raters as to how to proceed when they are uncertain or wish to further investigate an answer.

Scenario: A forensic pathologist has been called as an expert witness to testify in a murder case about an autopsy he performed several months earlier.

Role-players: Prosecutor and Witness (Dr. Alejandro Soto García, a forensic pathologist).

Instructions to the role-players: Read the following script as it is written, without omitting, adding or modifying any of its content. Give the interpreter sufficient time to respond. If the interpreter asks for a repetition, reread the entire utterance. Do not provide prompts or read portions of questions or answers.

Instructions to the interpreter: You will hear a simulation of testimony being given during a court trial. The scenario is a forensic pathologist giving testimony about an autopsy he carried out. Listen to each question and each answer in their totality and then give your interpretation. You may take notes. If you require a repetition, the entire questions or answer will be repeated.

Score:

Total number of errors (out of 20): 4 errors/ 1 for review

Text with scoring units:

Q: Doctor, would you please state your name for the record¹.

A: Alejandro Soto García.

Q: Sir, your qualifications have already been stipulated² by all parties so I would like to proceed directly to your findings³. Would you please describe, in general terms⁴, the subject you examined on November 15⁵ of last year?

A: Yes, I have the notes of the autopsy with me. This was a white male, approximately⁶ 20 years of age. His height was 1.85m. and his weight 78.2 kilos⁷.

Q: What was the apparent⁸ cause of death?

A: Massive hemorrhage and exsanguination. The subject had several knife wounds⁹ to his upper torso¹⁰.

Q: Could you tell us specifically how many knife wounds there were?

A: Yes, according to my notes¹¹, there were a total of 16 wounds, 12 superficial and 4 deep.

Q: Were there any other injuries to the subject¹², and if so, did they contribute to his demise¹³?

A: He had several hematomas and abrasions on his neck and forearms, and two of his teeth were broken, but in my opinion, these injuries were not a factor in his death.

Q: In your opinion, could these other injuries have been the result of a struggle with an assailant¹⁴?

A: They could have been, but I cannot state with any certainty¹⁵ that they were.

Q: Isn't it true that the police officer who was investigating this incident informed you that there were eye witnesses¹⁶ who saw the subject being assaulted by a tall, ruddy-skinned¹⁷ individual?

A: Yes, that is true, but my testimony here today is based solely¹⁸ on my examination of the subject and not on any other type of information.

Q: But it is true that the number and type of stab wounds that you observed on the subject's body are consistent with¹⁹ a violent attack, is it not?

A: It is true that the number of stab wounds, the nature of at least four of those wounds and the other injuries the subject had could be the result of an assault²⁰. It is hard to imagine any other explanation.

Here marked scoring sheet for above scripted role play

Q: Doctor, would you please state your name for the record¹.

A: Alejandro Soto García.

Q: Sir, your qualifications have already been stipulated² by all parties so I would like to proceed directly to your findings³. Would you please describe, in general terms⁴, the subject you examined on November 15⁵ of last year?

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A: It is true that the number of stab wounds, the nature of at least four of those wounds and the other injuries the subject had could be the result of an assault²⁰. It is hard to imagine any other explanation.

-5

APPENDIX 2: SAMPLE CODES OF ETHICS AND ASSESSMENT EXERCISES

THE EU GROTIUS PROJECT CODE¹

The core code of ethics requires that legal interpreters:

- 1 *Interpret truly and faithfully, to the best of their ability, without anything being added or omitted, summarising only when requested and with the knowledge and consent of all parties.*

Discussion: Levels of speech must always be respected. That is to say, interpreters must maintain the type of language used by the parties, such as simple, formal or colloquial. If abusive or obscene language is used in the source language, target language equivalents must be used. Under such circumstances, personal inhibitions must be overridden in the interests of an accurate record of interview.

It should be noted that the relatively few occasions when summarising is acceptable have to be carefully considered. Summarising causes serious concern even to experienced interpreters and translators because it requires them to make decisions on matters which they may not be qualified to judge, namely what to include or leave out. There is a difference, for example, between summarising the information given by a distressed mother to a police officer about a lost child by the river, to enable the child to be found quickly, and summarising legal argument in court or evidence in a police station.

Intervene when necessary for the following reasons, informing all parties in both languages as to the reason:

1. See Corsellis, Ann and Leandro Felix Fernández, Code of Ethics and Conduct and Guidelines to Good Practice. In E. Hertog (ed.). *Aequitas*, Chapter 7; (Access at www.eulita.eu under EU projects: Grotius I).

- to clarify the meaning of something which has been said in order to be able to interpret it correctly,
- to alert one of the parties that, in spite of accurate interpreting, the other party may not have understood what has been said,
- to alert all parties to a possible missed cultural inference and ask the party to explain it i.e. where communication is breaking down because differing cultural frameworks have led to one party assuming erroneously that another party has a background knowledge of a set of traditions, conventions etc.,
- to ask for accommodation of the interpreting process e.g. that someone is speaking too quickly, quietly or for too long or that someone is being abusive/offensive in ways which compromise the interpreting process.

2 *Only undertake assignments for which they are competent*

Discussion: This means that interpreters must be clear about what an assignment involves before they accept it. They have to be as sure as they can be that it is within their existing competence, or that they have the time and facilities to make satisfactory preparations or carry out the needed research.

If they judge the assignment to be beyond their competence, they must decline it. When contacted about an assignment, interpreters should check the following, before deciding whether they are competent and able to accept it:

- Language and dialect match: it should be confirmed that there is a match between the best language of the client(s) and that of the legal interpreter and whether there are any dialects or regional variations of the standard language to be accommodated. Interpreters can confirm this e.g. through a telephone conversation with the party concerned where this is necessary and appropriate.
- Availability for the assignment: the day(s), times, length and location. Interpreters should consider the practical implications of travel times and arrangements.
- Subject matter: cases involving particular subjects e.g. fraud, defective brake linings on a lorry, assault, child abuse, all give rise to a particular terminology. Interpreters have to be satisfied that either they are familiar with that terminology or that they can, in the time allowed, carry out the necessary research.

- Procedures: these differ according to context. Coroners courts, industrial tribunals, youth courts, criminal courts, immigration appeals, prisons and police interviews all have their own procedures and processes which need to be understood.

- 3 *Disclose any professional limitations which may arise during an assignment and take steps to remedy them or withdraw.*

Discussion: It is not always possible to predict what may arise during an assignment, despite the most careful preliminary enquiries and preparations. Recognition and admission of limitations are acceptable in all professions, and always preferable to the alternative.

- 4 *Do not delegate accepted assignments, or accept delegated assignments, without the consent of the parties concerned.*

Discussion: Good practice requires that accepted assignments are always honoured, except where there are real emergencies. On these occasions, the employer/client should be contacted at once. An appropriately qualified substitute can be suggested where the client is not aware of one. Contracts or letters of agreement for the assignment should be revised accordingly. Accepting delegated assignments without consent is bad practice and risks placing all parties in legal and professional difficulties.

- 5 *Declare any conflict of interest arising from an assignment and withdraw if any of the parties so require.*

Discussion: The following are examples of such a situation:

- A client is known personally: e.g. a relative or close neighbour. It is considered bad practice to accept assignments involving a relative. Given that linguists may at least be aware of individuals in their own local language community, where clients are known personally to them has to be declared, and the potential for conflict of interest assessed by others involved (for example, by the court) and agreed by all parties.
- A client is known from a previous assignment. It would be difficult to be seen to be preserving the necessary impartiality where a previous assignment allowed the interpreter to be privy to information that was not appropriate to the current assignment. In some countries it is not acceptable, where separation of stages of legal process is required

(e.g. preserving the separation between the investigative and judicial stages), for the same interpreter to act in more than one.

- The interpreter has shares in, or close relatives employed by, a company that has become involved in the legal process.
- There may be risks to personal security or embarrassment where a case involves a matter which gives rise to unusually heated local feelings e.g. child abuse, contested domestic disputes, racial disputes. In such matters it may be wiser for an interpreter from outside the area to be called in and not publicly identified.

6 *Observe confidentiality.*

Discussion: Interpreters must treat as confidential *any* information, which may come to them in the course of their work including the fact that they have undertaken a particular assignment. This does not preclude them from making use of their experiences, on an anonymous and strictly confidential basis, within recognised structures of professional support and training where colleagues are bound to observe the same codes.

It should be reported to the proper authorities immediately if any significant approach is made to legal interpreters which attempts to breach their confidentiality; if, for example, they are approached by the press or parties related to the case who are not entitled to information.

7 *Observe, and be seen to observe, impartiality.*

For discussion: The role of legal interpreters has to be one of complete impartiality, whatever their personal feelings might be. They have to be scrupulous in avoiding the appearance of partiality.

The interpreter should interpret any explanations and not give their own advice or opinion. This prevents situations in which the interpreter has conversations in one language that are not accessible to speakers of the other language and also preserves the interpreter's impartiality.

When explanations are asked for of the interpreter which go beyond the linguistic, interpreters should clarify their own role. If the request for explanations is to be pursued, the interpreter must be named an expert witness and be qualified to act as one.

This involves interpreters, for example, avoiding:

- appearing to be over-friendly with any of the parties for the defence or the prosecution,

- involving themselves in discussions with one party which are not known to the other parties,
- being seen alone with a party during breaks e.g. during court hearings
- demonstrating, even non-verbally, their own feelings or views,
- giving advice or opinions.

If their impartiality is at risk, they must declare themselves professionally embarrassed and withdraw.

- 8 *Do not use any information gained during the course of their work for the benefit of themselves or anyone else.*

Discussion: This further develops the concept of confidentiality and impartiality. Interpreters may not use any information acquired during the course of their professional activities for personal gain or to benefit anyone else they may know or come in contact with.

- 9 *Decline any reward arising from an assignment other than the agreed fees and expenses.*

Discussion: Individuals often wish to show their appreciation of the legal interpreter by offering gifts. In some cultures in particular this is a polite convention.

Sometimes gifts are offered for other motives. It is therefore required that all gifts, or any other type of reward, be declined. If this is known to be an absolute requirement, then any appearance of discourtesy is avoided. Any approach that is thought to be an inducement to corruption should be reported at once to the proper authorities.

- 10 *Seek to increase their professional skills and knowledge.*

Discussion: Languages, language usage and legal procedures change and move on. Legal interpreters and translators are constantly challenged by new subject matter, terminology, jargon and procedures.

Reflect on how the assignment went and learn consciously from each one. Try to identify what went well and why, so that these satisfactory approaches can be used in the future. As no individual or situation is perfect, try and identify what elements were unsatisfactory and why, so that steps can be taken to avoid these in the future.

Seek advice from the proper, confidential quarters, and take action through the appropriate channels where necessary, on for example:

- a nuance of terminology which might be improved
- a procedure which hindered the interpreting or translation process

Record relevant and non-confidential data, and file it in an accessible way for future use. The development of a personal professional resource is a valuable tool, which aids swift information retrieval and may also be of assistance to colleagues, and includes such matters as:

- terminology e.g. the parts of a car in both languages
- glossaries of legal phrases and concepts
- maps e.g. of locations of court houses and police stations
- procedures e.g. of a coroner's court or employment tribunal
- useful web-site addresses

Seek support where assignments have been distressing or disturbing. Linguists are not immune to personal feelings after dealing with such matters as child abuse, rape and the results of road or air traffic accidents. Like their colleagues in the legal services, it is not appropriate for interpreters to indulge in personal reactions during assignments when all efforts must be directed at the needs of those directly involved. Experience has shown that interpreters should have access to qualified help where they need it.

- 11 *Safeguard professional standards and offer assistance to other interpreters and translators whenever reasonable, practical and appropriate.*

Discussion: This item of the code reflects the individual interpreter's responsibility to their profession as a whole.

Legal interpreters are under a duty to do what they can to contribute to overall standards and, as part of that, to give assistance to one another wherever practicable.

THE EULITA CODE

See <http://eulita.eu/code-ethics>

Legal interpreters and legal translators shall use the specific interpreting technique (consecutive, simultaneous, whispering, sight translating) according to the requirements for optimum cross-cultural communication in legal settings.

Legal interpreters and legal translators must not take on an assignment for which they have no or inadequate competences (in terms of language or subject matter), or which they are not able to perform properly (e.g. for lack of time to prepare for the assignment).

Legal interpreters and legal translators shall strive to maintain and improve their interpreting and translation skills and knowledge.

The source-language message shall be faithfully rendered in the target language by conserving all elements of the original message while accommodating the syntactic and semantic patterns of the target language. The register, style and tone of the source language shall be conserved. Errors, hesitations and repetitions should be conveyed. An interpreter shall request clarification when he or she did not understand a sign-language user or speaker, for example for reasons of acoustics, or ambiguity of a statement. He or she shall signal and correct any interpreting errors as soon as possible.

Legal interpreters and legal translators shall bring to a court's* attention any circumstance or condition that affects the quality of performance such as interpreter fatigue, inability to hear and/or see, inadequate knowledge of the specialized terminology, insufficient understanding of a dialect. They must decline assignments that would have to be delivered under conditions that make a qualified professional performance impossible.

Legal interpreters and legal translators shall remain neutral and also maintain the appearance of impartiality, avoiding any undue contacts with either witnesses, defendants and their families or members of the legal professions. (Any potential conflict of interest shall be immediately disclosed to the court*).

Legal interpreters and legal translators shall be bound by the strictest secrecy. Any information acquired in the course of an interpreting or translation assignment for judicial purposes or its preparation shall not be disclosed.

Legal interpreters and legal translators shall refrain from deriving any personal or financial benefit from information they have acquired in the course of an interpreting or translation assignment for judicial purposes, or its preparation.

Legal interpreters and legal translators shall behave with dignity and respect towards the court* and perform their duties as unobtrusively as possible.

Legal interpreters shall use the same grammatical person as the speaker or sign-language user. Should it become necessary for them to assume a primary role in the communication, they must make it clear that they are speaking for themselves, by using for instance the third person (i.e.: “The interpreter needs to seek clarification...”).

Legal interpreters and legal translators shall refrain from giving advice to the parties or otherwise engage in activities others than the ones belonging to the actual assignment.

Legal interpreters and legal translators shall act in a spirit of respect, cooperation and solidarity towards their colleagues.

* applies to all legal settings.

LINKS TO EXAMPLES OF LI CODES OF ETHICS

EU Member State codes

Sweden: God tolksed: Vägledning för auktoriserade tolkar (2004, revised 2011) <http://www.kammarkollegiet.se/dokument/god-tolksed>

Poland: Kodeks Tłumacza Przysięgłego, Dział I. Zasady Etyki Zawodowej (2011) <http://www.tepis.org.pl/>

Spain: Code of Ethics for Court and Sworn Interpreters and Translators (bilingual version Spanish & English) <http://www.aptij.es/img/web/docs/codigo-d-aptij.pdf>

United Kingdom: Code of Professional Conduct. <http://www.nrpsi.co.uk/pdf/CodeofConduct07.pdf>

An international code

The FIT Code of Conduct for Court Interpreters:
<http://www.fit-europe.org/vault/EthSuomi.html>

*Non-EU codes**United States:*

The NAJIT National Association of Judiciary Interpreters and Translators:
<http://www.najit.org/about/NAJITCodeofEthicsFINAL.pdf>

The ATA American Translators Association Code of Ethics and Professional Practice: <http://www.atanet.org/>

Australia:

The AUSIT Australian Interpreters and Translators Code of Ethics: http://www.ausit.org/AUSIT/About/Ethics___Conduct/Code_of_Ethics/AUSIT/About/Code_of_Ethics.aspx

An interesting site is NAATI (The National Accreditation Authority for Translators and Interpreters) and their website section on 'interpreters' roles and possible ethical dilemmas' at: http://www.naati.com.au/PDF/Booklets/Ethics_Booklet.pdf

Codes in health care or public services interpreting:

Code of Ethics for Health Care Interpreters. The National Council on Interpreting in Health Care (United States): <http://www.ncihc.org/ethics-and-standards-of-practice>

The California Standards for Healthcare Interpreters: Ethical Principles, Protocols and Guidance on Roles & Intervention: http://www.calendow.org/uploadedFiles/ca_standards_healthcare_interpreters.pdf

SAMPLE EXERCISES THAT MAY BE USED TO TRAIN OR ASSESS INTERPRETERS

Example of an ethical decision-making process in health care

See: California Standards for Healthcare Interpreters: Ethical Principles, Protocols and Guidance on Roles & Intervention http://www.calendow.org/uploadedFiles/ca_standards_healthcare_interpreters.pdf p.32 and Appendix B

The following is a process interpreters may use:

1. Ask questions to determine whether there is a problem.
2. Identify and clearly state the problem, considering the ethical principles that may apply and ranking them in applicability.
3. Clarify personal values as they relate to the problem.
4. Consider alternative actions, including benefits and risks.
5. Decide to carry out the action chosen.
6. Evaluate the outcome and consider what might be done differently next time.

Example from a chat session for analysis and discussion

Hi all,

In X, the instructions for judges using interpreters recommend that they “allow the interpreter to converse briefly with the non-English speaker to ensure understanding of accents, dialect, or pronunciation differences”. Given that it’s best to avoid individual conversations with the people that we’re interpreting for, I always wonder (1) at what point in the proceeding am I supposed to have this brief conversation and (2) what am I supposed to say?

The instruction to “converse briefly” is problematic because the person is inevitably eager to jump into details of the case, now that s/he finally has someone who can understand all that s/he wants to share about it. Even though I tell the person that I’m only there to interpret, the fact that we even have this “mini-conversation” could give an impression of bias. Any thoughts about this?

On Apr XX, 20XX 7:05 am, XY wrote:

Hi,

This is always a touchy issue and it can be more delicate with some languages/cultures than others. This sort of situation is why we should avoid talking to the people we interpret for outside of, well, interpreting for them.

Anything might be misconstrued as us being friends, acquaintances, or otherwise impartial.

It feels rude and goes against any norms of common decency, but when someone tries to speak to you, the best response is to politely but firmly say you can't talk outside of proceedings, then walk away. If you have to wait with someone before, say a grand jury testimony, sit far, far away and do not chat. If the attorneys ever walk out of a room and leave you alone with the person, leave the room as well (and tell the attorneys why!). The last thing you want is for there to be a question of the interpreter's impartiality and have the whole thing thrown out.

On Wed, Apr XX, 20XX at 8:25 am, XYZ wrote:

Very well put, XY.

If you stick to this rule consistently, it pays back in the future too. You are creating a good, professional, image for yourself.

Examples of case studies

Case 1: One day I was interpreting in a preliminary investigation and each time there was a short break, the 'suspect' turned to me, the interpreter, with all sorts of questions and explanations. He wanted to tell me what really happened, "as it is me he really trusted", after all "we speak the same language, we come from the same country". After the interview, he was released but waited for me outside the court, to tell me once more his/her story. He wanted to know what I thought of the situation, what he could expect to happen now.

Case 2: I was interpreting for a defendant in court and during a break in the proceedings I ran into a close friend in the entrance hall. I knew her really well and the two of us, at her instigation I must say, started talking about the case. To make sure we were not overheard we spoke in the foreign language we have in common. After some generalities, she asked me how things were going and at some point she mentioned that she actually knew the defendant's family, how they were really good people and very worried about their son. That same night I got a call from the defendant's mother begging me to help her son, to try making the witnesses' statements not so damning against him. She said she wanted to reward me handsomely for my efforts and said that she hoped I would see my little boy grow up and prosper.

Examples of situational response exercises on controversial issues

- You are very familiar with a particular case because you have interpreted several times for this particular ‘client’. At some point the client, who is fed up and depressed, asks you to explain the situation, (s)he can’t find the courage anymore.
- During an asylum application interview, you begin to suspect that the applicant is a member of an organisation that tortured members of your family in your home country.
- During a police interview the suspect claims (s)he speaks a different language from you (the interpreter), but you know that is definitely not the case, that he does speak and understand the language but does not want to.
- During an interpreting assignment the police officer tells you (s)he’s under the impression you are not interpreting everything.
- During a consultation with his/her lawyer, the ‘client’ starts shouting obscenities and threats. You are afraid (s)he’s going to harm his/her case that way, that a complete and accurate interpretation will wreck the whole situation.
- From the other party’s response, it is clear you must have misinterpreted or misunderstood a statement.
- A person convicted of a crime and sentenced to serve time in prison asks you to carry a letter to a family member on the outside during an interview with his solicitor in which you are working as an interpreter.
- One day, after interpreting in a case that is getting a lot of press coverage, your family members ask you to tell them about the testimony given during the trial. What would you share with them?
- A member of the press approaches you after a day’s work in a media-covered trial and asks you, off the record, for your reaction to what happened that day in court.

Example of an issue raised in the literature

Issue 1: “... ‘interpreters’ to act as advocates for what they see as one ‘side’ or the other...selecting and formulating information to be exchanged in ways which they personally think might suit the purpose better, tidying up an other-language speaker’s utterances so that they sound more coherent, adding information to messages explaining medical terms and procedures, adding advice and opinions such as how to answer questions and screening

out information such as that deemed by the interpreter to be irrelevant or culturally inappropriate” (Coursellis, 2008, p. 43).

Issue 2: “When negotiating complex interpersonal group relationships with the other interlocutors, the interpreter might not be free to ‘simply translate’, especially in a hierarchical private or public institutional relationship, but may add/dilute politeness, withhold potentially insulting or otherwise damaging information, acquiesce to please the interlocutor or to seek favour or patronage, employ indirectness and politeness to foster self-respect, never say no, etc.” (Rudvin, 2007, p. 61).

APPENDIX 3. LINKS OF INTEREST FOR ON-LINE RESOURCES

THE LAW, JUDICIAL SYSTEMS AND LEGAL DOCUMENTS

International

ODS - Official Documents of the United Nations covers all types of official United Nations documentation since 1993. <http://documents.un.org>

United Nations Treaty Collection. Texts of treaties are available in all languages in which the treaty is authentic. <http://treaties.un.org>

The United Nations Rule of Law Website and Document Repository
<http://www.unrol.org>

UNODC - United Nations Office on Drugs and Crime. This page has an interesting link to the Mutual Legal Assistance Request Writer Tool available in 9 languages to assist States in drafting requests in order to “facilitate and strengthen international cooperation”. <http://www.unodc.org/tidb>

TRACK - Tools and Resources for Anti-Corruption Knowledge links to the UN legal library which contains laws, jurisprudence and information on anti-corruption from over 175 States worldwide. <http://track.unodc.org/>

Europe

Court of Justice of the European Union: http://curia.europa.eu/jcms/jcms/j_6/:

Council of Europe: <http://hub.coe.int/>

EUR-Lex: Eur-Lex provides free access to European Union law and other documents considered to be public. The website is available in 24 languages. The Official Journal of the European Union, the principal source of EUR-Lex, is also published on the website daily. <http://eur-lex.europa.eu/nl/index.htm>:

The European Court of Human Rights provides access to the case-law of the Court, the European Commission of Human Rights and the Committee of Ministers. <http://www.echr.coe.int/Pages/home.aspx?p=caselaw/HUDOC/translations>

The European Judicial Atlas is a website maintained by the European Commission providing information relevant to judicial cooperation in civil and criminal matters.

Civil justice:

https://e-justice.europa.eu/content_european_judicial_atlas_in_civil_matters-88-en.do

Criminal Justice:

https://e-justice.europa.eu/content_european_judicial_atlas_in_criminal_matters-102-en.do:

The European Judicial Network is “a network of national contact points for the facilitation of judicial cooperation in criminal matters”. <http://www.ejn-crimjust.europa.eu/ejn/>

EUROJUST. The European Union’s Judicial Cooperation Unit. <http://www.eurojust.europa.eu/Pages/home.aspx>

The E-Justice Portal provides information in 23 languages on justice systems and improving access to justice throughout the EU. It includes links to national databases, glossaries, terminology, information on the legal professions, etc. <https://e-justice.europa.eu/home.do?action=home&plang=en&init=true>

National Legal Systems (Via the European Union)

The N-lex offers an interface between the user and databases on national legislation. There is a common search form for all EU-languages. Search results come directly from national databases, with descriptions of database contents and search options for each country (search fields and different types of national law). http://eur-lex.europa.eu/n-lex/index_nl.htm:

Belgium: The Crossroads Bank for legislation is the outcome of a cooperation agreement between several federal, community and regional institutions. It is a portal site to gain access to Belgian legislation and case-law. <http://www.belgiquelex.be/en/index.html>:

Belgium: Information on the legal system, courts and tribunals, legal actors, and publications on specific issues. <http://justitie.belgium.be/nl/>:
Federale overheidsdienst Justitie

Spain: Ministry of Justice website with general information on the organization and functioning of this ministry and news items of current interest. Available in Spanish, Euskera (Basque), Gallego, Valenciano, Catalan and English. <http://www.mju.es>

Spain: General Council of the Judiciary provides information on the organization and functioning of the judicial system in Spain. Available in Spanish, English, French, Gallego, Catalan and Euskera (Basque). www.poderjudicial.es/cgpj/es/Poder_Judicial

Sweden: The Swedish Courts (in both Swedish and English). It also has film material with subtitles, sight translation and audio translation. <http://www.domstol.se/> <http://www.domstol.se/Funktioner/English/>

Sweden: The Swedish National Council for Crime Prevention (in both Swedish and English. <http://www.bra.se/> <http://www.bra.se/bra/bra-in-english/home.html>

U.K.: Ministry of Justice portal with extensive information on all facets of the judiciary and judicial system in the U.K. <http://www.justice.gov.uk>

U.K.: The website of the London Metropolitan Police. <http://www.met.police.uk>

EU DIRECTIVES

Stockholm Programme and Roadmap to strengthen the rights of suspected or accused persons:

Measure A: the right to interpretation and translation in criminal proceedings

Directive 2010/64/EU

The aim of measure A of the Roadmap and its resultant Directive is a more consistent implementation of the rights to interpretation and translation set out in the European Convention on Human Rights. It also encourages the development of minimum standards for legal interpreting and translation in Europe.

Member States shall ensure that suspected or accused persons who do not speak or understand the language of the criminal proceedings concerned are provided, without delay, with interpretation during criminal proceedings before investigative and judicial authorities, including during police questioning, all court hearings and any necessary interim hearings. (Article 2.1) Interpretation provided under this Article shall be of a quality sufficient to safeguard the fairness of the proceedings, in particular by ensuring that

suspected or accused persons have knowledge of the case against them and are able to exercise their right of defence. (Article 2.8)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32010L0064:EN:NOT>

Measure B: the right to information in criminal proceedings

Directive 2012/13/EU

This Directive lays down rules concerning the right of suspected and accused persons to information, especially information about their rights and about the accusation against them. It refers to Directive 2010/64/EU:

Member States should ensure that, when providing information in accordance with this Directive, suspects or accused persons are provided, where necessary, with translations or interpretation into a language that they understand, in accordance with the standards set out in Directive 2010/64/EU. (Preamble 25)

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32012L0013:EN:NOT>

Measure C the right to legal advice (and legal aid)

Directive 2013/48/EU

On the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty.

This Directive lays down minimum rules concerning the rights of suspects and accused persons in criminal proceedings and of persons subject to proceedings pursuant to Framework Decision 2002/584/JHA ('European arrest warrant proceedings') to have access to a lawyer, to have a third party informed of the deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty.

Two measures have been adopted pursuant to the Roadmap to date, namely Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (3) and Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (4).

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:294:0001:0012:EN:PDF>

*Strengthening the rights of victims of crime:***Directive 2012/29/EU**

The Directive establishing minimum standards on the rights, support and protection of victims of crime, which aims to protect the rights of victims of crime and their close family members, where appropriate, also makes reference to the quality of interpreting:

Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings concerned are provided, upon request, with interpretation in accordance with their role in the relevant criminal justice system in criminal proceedings, free of charge, at least during any interviews or questioning of the victim during criminal proceedings before investigative and judicial authorities, including during police questioning, and interpretation for their active participation in court hearings and any necessary interim hearings (Article 7.1).

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32012L0029:EN:NOT>

EU PROJECTS ON LIT ISSUES

Qualetra: Quality in Legal Translating (JUST/2011/JPEN/AG/2975)

<http://www.eulita.eu/qualetra-0>

Trafut: Training for the Future (JUST/2010/JPEN/AG/1549)

<http://www.eulita.eu/sites/default/files/TRAFUT%20-%20final%20report.pdf>

SOS-VICS: Speak Out for Support (JUST/2011/JPEN/2912)

<http://cuautla.uvigo.es/sos-vics/> (available in Spanish and English)

ImPLI: Improving Police and Legal Interpreting

<http://www.isit-paris.fr/-ImPLI-.html?page=rubrique> (French)

http://www.isit-paris.fr/documents/ImPLI/Final_Report.pdf (English)

Avidivus 1, 2, 3: Assessment of Videoconference Interpreting in the Criminal Justice Service (JLS/2008/JPEN/037) <http://www.videoconference-interpreting.net/BraunTaylor2011.html/>

EULITA. European Legal Interpreters and Translators Association. (JLS/2007/JPEN/249) <http://eulita.eu/home>

Building Mutual Trust 1 & 2: A Framework Project for Implementing EU Common Standards in Legal Interpreting and Translating (JLS/2007/219) <http://www.buildingmutualtrust.eu/>

Status Questionis: Questionnaire on the Provision of Legal Interpreting and Translation in the EU (JLS/2006/AGIS/052)

<http://eulita.eu/sites/default/files/Status%20Qaestionis%20Def.pdf>

Aequilibrium: Instruments for Lifting Language Barriers in Intercultural Legal Proceedings (JAI/2003/AGIS/048)

http://www.eulita.eu/sites/default/files/Aequilibrium_Instruments%20for%20Lifting%20Language%20Barriers%20in%20Intercultural%20Legal%20Proceedings_0.pdf

Aequalitas: Equal Access to Justice across Language and Culture in the EU (2001/GRP/015) <http://eulita.eu/sites/default/files/Aequalitas.pdf>

Aequitas: Grotius Conference on Interdisciplinary Working Arrangements for Legal Interpreters and Translators (98/GR/131)

<http://eulita.eu/grotius-i-project>

http://eulita.eu/sites/default/files/Aequitas_Acces%20to%20Justice%20across%20Language%20and%20Culture%20in%20the%20EU.pdf

TERMINOLOGY, GLOSSARIES AND DICTIONARY RESOURCES:

EuroVoc: the EU's Multilingual Thesaurus <http://eurovoc.europa.eu>

IATE: Interactive Terminology for Europe www.iate.europa.eu

UNTERM: United Nations Multilingual Terminology Database

<http://unterm.un.org/>

UN-INTERPRETERS.ORG: United Nations Interpreters Glossaries

<http://un-interpreters.org/glossaries.html#L>

London Metropolitan Police provides an extensive list of acronyms used in police and judicial matters in the U.K.

<http://www.met.police.uk/foi/glossary.htm>

The Judiciary of Scotland Glossary of Legal Terms (most common terms used in Scotland):

<http://www.scotland-judiciary.org.uk/62/0/Glossary-of-Legal-Terms>

PROFESSIONAL ASSOCIATIONS, FOUNDATIONS, NGOS

Academy of European Law is “a non-profit public foundation that provides training in European law to legal practitioners”. www.era.int

Critical Link International is “an international non-profit organization committed to the advancement of the field of community interpreting in the social, legal and health care sectors”. www.criticallink.org

EULITA. The European Legal Interpreters and Translators Association is a European organization established to bring together professional associations and institutions interested in improving the quality of legal interpreting and translating in the EU. A list of full and associate member organizations and individuals can be found on this webpage together with

current information on projects and developments in the field throughout Europe. www.eulita.eu

The European Law Institute is “an independent non-profit organization established to contribute to better law-making in Europe, the enhancement of European legal integration and the formation of a more vigorous European legal community”. <https://www.europeanlawinstitute.eu/>

Fair Trials International is “a unique human rights charity that helps people facing criminal charges all over the world to protect this basic right”. The organization campaigns against human rights abuses in the criminal justice context and advocate for better respect for fair trial rights. The organization has a Legal Experts Advisory Panel (LEAP) that monitors issues of relevance to the field. <http://www.fairtrials.org/>

Institute of Translation & Interpreting (ITI) is “a dedicated UK association for practising translation and interpreting professionals” with over 3000 members who specialise in more than 100 languages and dialects from around the world. The ITI maintains a directory of professionals. <http://www.iti.org.uk/>

International Association of Forensic Linguists (IAFL) states as its purpose “to improve the administration of the legal systems throughout the world by means of a better understanding of interaction between language and the law”. <http://www.iafl.org/>

International Language and Law Association states as its purpose to “promote and publicize the relationship between language and the law”. www.illa.org

NAJIT - National Association of Judiciary Interpreters and Translators (United States) www.najit.org

CERTIFICATION AND TESTING

UK: IoLET (Institute of Linguists Educational Trust) Diploma in Public Service Interpreting (DPSI) <http://www.iol.org.uk/qualifications/examsmain.asp>

UK: National Register of Public Service Interpreters. www.nrpsi.org.uk

Canadian Translators, Terminologists and Interpreters Council (CTTIC). This page explains the different approaches used throughout Canada to qualify interpreters to work in legal venues. <http://www.cttic.org/certification.asp>

Federal Court Interpreter Certification Examination (FCICE) webpage provides detailed information on the U.S. federal court interpreter certification process. <http://www.ncsc.org/fcice>

NAATI - National Accreditation Authority for Translators and Interpreters, (Australia) is “the national standards and accreditation body for translators and interpreters in Australia”. www.naati.com.au

The National Center for State Courts (United States) includes information on state interpreter certification standards and detailed guides on test construction and rating. Sample test exercises are also available.

<http://www.ncsc.org/Education-and-Careers/State-Interpreter-Certification.aspx>

GLOSSARY OF TERMS

abridged test: A shorter test format for interpreter certification with fewer components, often used with languages of lesser diffusion.

accuracy principle: Core principle of the interpreters' code of ethics stating that the interpreter should at all times strive to render accurately the source utterance, semantic and pragmatic distinctions intact.

analytic scoring/rating: A rating methodology that makes use of a set of specific criteria that taken together comprise the competency. Raters typically rate a candidate's performance on each of the different criteria, award a number of points on each, and arrive at an overall result by using some kind of mathematical formula.

ancillary assessor: In LI testing, an individual from a specific language community who is competent in the majority language but does not work in the field of interpreting, and who is trained to assist regular test developers and administrators, especially when dealing with languages of lesser diffusion.

assessment: The act of making a judgment. Here, the evaluation of the ability to perform to a standard or show mastery of a subset of knowledge. Synonymous with testing, evaluation, rating.

asynchronous v. synchronous assessment: Interpreting tests may be rated "live" (in a face-to-face or on-line setting; in other words, synchronously) or recorded and assessed by raters at a later stage (asynchronously). The choice of one or the other depends on several factors, including the number of candidates, number of assessors, available equipment, availability to travel to the test centre by all parties involved, etc.

band-scoring: A method by which candidate performance is evaluated according to a set of descriptors (bands) rather than by discrete item analysis. Band scoring can be analytic (factor by factor) or holistic (overall).

bidule: A portable interpreting system that does not involve a booth and is used in some courtrooms.

- bifurcated testing:** Similar in some ways to an abridged test in that it entails using only part of a certification test, but in this case as a screening instrument to identify individuals who are likely to be successful on the other components of the test. Bifurcated testing involves testing candidates first in the interpreting mode with the highest predictive value for overall success. This method is meant to lower the overall cost of test administration and is currently being tested in the United States.
- calque:** A word or phrase in one language that has been translated from another language in a fairly literal way.
- chuchotage** (also known as *whispered interpretation*): The simultaneous mode performed without technical equipment for a small group of listeners; the interpreter stays close to the listener(s) and in a low voice continuously renders the source utterances. The mode is extremely taxing for the interpreter and may also disturb or distract the speaker and listener(s).
- colloquial speech:** Language distinguished by containing the words, phrases and discourse typical of daily life.
- competency, competencies:** The knowledge or skill subsets related to a particular profession or field of endeavor. (See Hertog in Building Mutual Trust (2011) for a full table of competencies related to legal interpreting.)
- consecutive interpreting:** A method of interpreting in which the interpreter produces her/his rendition while the speaker makes a pause in her/his speech flow; one of the interpreter's two basic methods (cf. simultaneous interpreting). Consecutive interpreting with short intervals is commonly used in the on-site interpreting of dialogues. In the consecutive interpreting of longer/more dense sequences or intervals the interpreter must master note taking techniques (see note taking).
- construct validity:** The degree to which a test measures what it claims to be measuring.
- criterion-referenced:** A test in which results are interpreted relative to pre-established criteria rather than in comparison with the results of other candidates taking the same text (norm-referenced). Setting minimum performance criteria ensures that a passing candidate is competent to a minimum level in all aspects of the test construct. In this approach, it is possible for no candidates to pass or for all candidates to pass as the cut-off scores are fixed and pre-established.
- cut-off scores:** Minimum scores or band levels that a candidate must achieve in a criterion-referenced test in order to pass.
- décalage:** Time lag between a source language utterance and its target language rendition in simultaneous interpreting.

dialogue interpreting: A form of interpreting in which the interpreter, usually working in the consecutive (short interval) mode, renders in both language directions the conversation of two persons or parties, thus, “translating and coordinating the primary parties’ utterances” (Wadensjö 1998: 50, 105).

ecological validity: Ensures that the test components and materials as well as the setting of at least part of the test, for example the role-plays, realistically approximate the real-world settings for which the competences and skills are needed.

face validity: The degree to which a test is perceived to be valid by test users and other stakeholders, including employers.

false start: When a speaker begins an utterance, then either repeats or reformulates it, sometimes indicating uncertainty. In interpreting, when an interpreter starts a rendition, then stops and either repeats it or repairs it. This mechanism often indicates self-correction and monitoring of one’s production.

formative assessment: Assessment which entails monitoring training and/or learning in order to provide feedback that can improve performance.

frozen register: Language that does not change over time and is formulaic and standardised. This register is relatively common in legal language. In legal proceedings examples include reading of rights, reading of charges, plea declarations, etc. Also known as boilerplate language.

hedges: The use of certain words or phrases in speech that serve to soften or weaken the impact of what is being said in order to reflect the degree of certainty with which a statement is made. In legal interpreting, hedges are important elements of speech. Examples of hedges include “somewhat”, “could”, “possibly”, “kind of”, and some types of hesitation markers (uh, um, etc.).

holistic scoring/rating: A rating methodology in which raters assign a single overall level or score to a candidate’s performance based on their impression of the performance without assessing specific features or items separately. Raters often use descriptions of ability at different levels (band descriptors) to guide their evaluation.

ICT: Information and Communication Technology

impartiality principle: A core principle of the interpreters code of ethics stating that the interpreter should remain impartial at all times, not revealing personal attitudes and opinions and not serving as an advocate for either party.

information density: The amount of key information expressed in a text. Several methods have been suggested to calculate it, some focused on

lexical aspects and others on propositional content. (See Minua Liu & Yu-Hsien Chiu (2011).

interactional skills: The joint behaviour between the interpreter and other individuals involved in the same encounter. For the interpreter, the ability to interact smoothly with the primary interlocutors, including, for example, using the required turn-taking mechanisms, asking for clarifications, explanations and repetitions appropriately, and identifying key information in the non-verbal behaviour of the interlocutors.

interactional approach: The approach to assessing interpreter skills in a setting which allows interlocutors a certain degree of freedom within the boundaries of a semi-scripted role-play to choose their words and react to what a candidate actually says during the assessment, however misguided the candidate's contribution to the triangular communication may be.

interlocutors: The primary parties involved in a real interpreter-mediated event. In legal settings, one of them is always a speaker of the language of the proceedings (policeman, lawyer, judge, witness...), while the other one is a speaker of the other language. This term is also used in testing to refer to role-players.

inter-rater reliability: Refers to the level of consensus between two or more independent raters in their judgment of a candidate's performance.

intra-rater reliability: The extent to which a particular rater is consistent in rating multiple tests or performances; especially important with subjectively scored tests involving open-ended or extended responses using an interactional approach.

language Attrition: A reduction, weakening or loss of a language or decline in linguistic skills often due to lessened opportunities to use the language in real situations. Language attrition often affects individuals who live in an environment where a language other than their native tongue is spoken. It can also be applied to learners of a second language who gradually lose proficiency through non-usage.

language of lesser diffusion: A language that has relatively few speakers in a defined geographic area.

language of (the) proceedings: The official language used in a trial or police interrogation (in some countries there is more than one official language) in order for it to be legally valid. It is also the language in which all official reports and documents that are admitted as evidence must be drafted. (Documents in other languages must be translated).

legal interpreting: Interpreting in institutional discourse that enables public servants (e.g., police officers and judges) and other professionals to

inform, guide and hear the parties in cases in which a language barrier exists (alternative terms include *community interpreting*; *public service interpreting*.)

modular screening: A process by which specific aspects of a candidate's background (training, education or experience) are evaluated to decide if he/she can be exempted from taking one or more components of a certification exam.

monologue consecutive interpreting: A type of consecutive interpreting in which interpreters render fairly long stretches of speech in the target language, often with the aid of notes.

norm-referenced: An approach to testing in which candidates are assessed and ranked relative to all other candidates rather than relative to pre-established criteria (criterion-referenced). Given fluctuations in the ability of different cohorts, the cut-off scores in norm-referenced tests can vary from one test session to another.

note-taking: Special technique used during consecutive interpreting assignments to support the interpreter's memory in order to render the source language speaker's message in the target language as fully and accurately as possible. Interpreters take down the main ideas and concepts in the speech by using a combination of words, symbols, abbreviations, etc. Each interpreter develops his/her own highly individual technique.

objective test: A test in which correct responses to test items are clearly specified, and markers are not required to make judgements. The issue of inter- and intra-rater reliability does not arise.

other language: A language other than the official one used in legal proceedings. Usually the language of the defendant, victim or witness who needs the interpreting service in order to be "present" during the trial or police interrogation, i.e. to understand what is being said by the representatives of the legal authorities of the country where the encounter is taking place.

performance-based assessment: Any assessment or test that evaluates a candidate's actual performance of a specified task in a real or simulated environment rather than his/her ability to understand, define or discuss a concept.

predictive validity: The degree to which a test score predicts performance of a specific task in real life, e.g. "A score of 12 on the test predicts that the test holder will be able to perform the following tasks: [...]".

psychometrics: The field of study devoted to the theory and technique of psychological measurement, which includes the measurement of knowledge, skills and attitudes.

- reasonable adjustments:** Allowances made in the testing procedures to accommodate specific needs (for example extra time for candidates with dyslexia). Application for Reasonable Adjustments should always be supported by a medical certificate.
- register (professional):** An independent voluntary or statutory body that registers and makes available the details of individuals who meet its criteria in terms of qualifications, experience and security clearance, and have agreed to observe its code of ethics/conduct along with its disciplinary procedures when any breach of the code is alleged. A professional register goes further than just a database or list.
- remote interpreting:** Interpreting where the interpreter and the primary parties are located in geographically remote sites and communicate via video-conferencing equipment or telephone.
- remote testing:** The use of ICT to test candidates who are not physically present at a testing site. If the testing is carried out in real time, video conferencing technology is used to link remotely located test candidates to the test centre. If the assessment is to take place at a later stage (asynchronously), ICT can be used to administer the test, and performances can be recorded and stored to be evaluated at a later point in time.
- role-play:** The recommended approach to take when testing dialogue interpreting. Test developers prepare a script that reflects a situation in which a legal interpreter (the candidate) is required to interpret between two interlocutors. If a role-play is scripted, the role-players' utterances and responses will not change as a result of the candidate's renderings. If an interactional approach is taken, role-players are provided with prompts but improvise their lines on the basis of actual communication dynamics.
- scripting:** Preparing a role-play for interpreter certification tests in which each role-player's utterances and responses are set in advance, the length of turns of speech is fixed and role players are not called upon to improvise. This testing instrument is uniform for all candidates at all sittings.
- self-correction:** In interpreting, when an interpreter undertakes a correction, or 'repair', of their own linguistic rendition.
- shelf life:** Length of time an assessment result retains its value.
- sight translation:** A hybrid interpreting/translation mode in which a written source language text is rendered orally in the target language.
- simultaneous interpreting:** Interpreting mode in which the interpreter renders the message in the target language at the same time as the source language speaker is delivering it. It may be performed in a sound proof booth with an infra-red interpreting console (service users listen to the

interpretation by means of dedicated receivers and headsets) or without any dedicated equipment (see whispered interpreting).

source language: The language in which the message to be relayed by the interpreter is expressed.

special considerations: Allowances made after the test for anomalies during the test session, e.g. a disturbance in the test room. A deadline for receipt of such a claim is necessary.

subjective scoring: A means of scoring tests that is based on human judgment and is used to assess knowledge or skills that are not easily scored using an objective testing method (for example, multiple-choice questions with a specific correct answer). Subjective scoring can lead to variability in scoring and is sometimes considered to jeopardise reliability.

summative assessment: Assessment normally carried out by means of a test or examination procedure at the end of a period of instruction to measure learning by comparing performance against a specific standard or benchmark.

target language: The language into which the interpreter works to deliver a rendition of what is being said.

task authenticity: The extent to which a specific task in a test resembles a real-life task.

test authenticity: The extent to which a specific test resembles situations encountered in real-life.

test construct: The elements that a test sets out to evaluate.

test developers: The individuals or team of individuals who undertake the design and writing of a test. Also referred to as a test setter.

test reliability: The degree to which a test produces consistent and stable results over multiple sittings.

test specifications: A detailed summary of what will be tested and how.

test validity: In testing, the degree to which a test accurately measures what it sets out to measure. Or, put in a wider context, the degree to which decisions based on test results can be justified.

whispered interpreting (*chuchotage*): The simultaneous mode performed without technical equipment for a small group of listeners; the interpreter stays close to the listener(s) and in a low voice continuously renders the source utterances. The mode is extremely taxing for the interpreter and may also disturb or distract the speaker and listener(s).

BIBLIOGRAPHY

- ALDERSON, J. C., C. CLAPHAM, & D. Wall. (1995). *Language test construction and evaluation*. Cambridge: Cambridge University Press.
- ALTENBERG, E.P. (1991). "Assessing first language vulnerability to attrition." In H.W. Seliger & R.M. Vago, (Eds.) *First Language Attrition*. (pp. 189-207). Cambridge: Cambridge University Press.
- ANGELELLI, C. (2000). "Interpreting as a communicative event: A look through Hymes' lenses." *Meta*, 45 (4), 580-592.
- ANGELELLI, C. (2009). "Using a rubric to assess translation ability: Defining the construct." In C.V. Angelelli & H.E. Jacobson (Ed.), *Testing and assessment in translation and interpreting studies. A call for dialogue between research and practice*. (pp. 13-49). Philadelphia, PA: John Benjamins.
- BACHMAN, L. & A. PALMER. (2010). *Language Assessment in Practice*. Oxford: Oxford University Press.
- BALOGH, K., S. BRAUN, J. TAYLOR, E. HERTOOG, Y. VANDEN BOSCH, D. ROMBOUTS. (2012). "Training in video-mediated interpreting in legal proceedings: Modules for interpreting students, legal interpreters, and legal practitioners." In: Braun, S. & J. Taylor (Eds.), *Videoconference and remote interpreting in criminal proceedings*, Chapt. Section 4. (pp. 233-288). Antwerp: Intersentia.
- BANCROFT, M. (2005). *The Interpreter's World Tour: An Environmental Scan of Standards of Practice for Interpreters*. The National Council on Interpreting in Health Care. Retrieved from <http://www.ncihc.org/publications>.
- BOONE, R. & R. DE CORTE. (2004). "Yolanda R. Vanden Bosch pleit voor verplichte cursus – 'België heeft onvoldoende aandacht voor opleiding van gerechtstolken.'" *De Juristenkrant*, 6Jg, nr 95, 6 oktober 2004, p. 12.
- BRAUN, S. (2007). "Interpreting in small-group bilingual videoconferences: Challenges and adaptation processes." *Interpreting*, 9 (1), 21-46.
- BRAUN, S. & J. TAYLOR. (2012a). "Video-mediated interpreting: an overview of current practice and research." In S. Braun & J. Taylor (Eds.), *Videoconference and remote interpreting in criminal proceedings*. (pp. 33-68) Antwerp: Intersentia. Retrieved from <http://www.videoconference-interpreting.net/BraunTaylor2011.html>.

- BRAUN, S. & J. TAYLOR. (2012b). "Video-mediated interpreting in criminal proceedings: two European surveys." In S. Braun & J. Taylor (Eds.), *Videoconference and remote interpreting in criminal proceedings*. (pp. 69-98). Antwerp: Intersentia. Retrieved from <http://www.videoconference-interpreting.net/BraunTaylor2011.html>.
- BRAUN, S. & J. TAYLOR (Eds.). (2012c). *Videoconference and remote interpreting in criminal proceedings*. Antwerp: Intersentia. Retrieved from <http://www.videoconference-interpreting.net/BraunTaylor2011.html>.
- BRAUN, S., J. TAYLOR, J. MILER-CASSINO, Z. RYBINSKA, K. BALOGH, E. HERTOOG, Y. VANDEN BOSCH, D. ROMBOUTS. (2012). "Training in video-mediated interpreting in criminal proceedings: modules for interpreting students, legal interpreters and legal practitioners." In S. Braun & J. Taylor (Eds.), *Videoconference and remote interpreting in criminal proceedings*. (pp. 137-159). Antwerp: Intersentia. Retrieved from <http://www.video-conference-interpreting.net/BraunTaylor2011.html>
- BRAUN, S. (2004). *Kommunikation under widrigen Umständen? Einsprachige und gedolmetschte Kommunikation in der Videokonferenz*. Tuebingen: Narr.
- BRAUN, S. (2013). "Keep your distance? Remote interpreting in legal proceedings: A critical assessment of a growing practice." *Interpreting* 15 (2), 200-228.
- BRAUN, S. & J. TAYLOR. (Eds.) (2014). *Advances in Videoconferencing and interpreting in legal proceedings*. Antwerp: Intersentia.
- CHEN, N. & L. KO (2010). "An online synchronous test for professional interpreters". *Educational Technology and Society* 13 (2), 153-165.
- COKELY, D. (2000). "Exploring Ethics: A Case for Revising the Code of Ethics." *Journal of Interpretation* 10, 25-57.
- CORSELLIS, A. (2008). *Public Service Interpreting*. London: Palgrave Macmillan.
- DAVIES, A., A. BROWN, C. ELDER, K. HILL, T. LUMLEY, & T. McNAMARA (Eds.). (1999). *Dictionary of Language Testing*. University of Cambridge Local Examinations Syndicate.
- DAVIES, A., A. BROWN, C. ELDER, K. HILL, T. LUMLEY & T. McNAMARA (Eds.). (2002). *Dictionary of Language Testing. Studies in Language Testing* 7. Cambridge: Cambridge University Press.
- DEAN, R. K. & R. Q. POLLARD. (2011). "Context-based ethical reasoning in interpreting: A demand control schema perspective." *The Interpreter and Translator Trainer* 5 (1), 155-182.
- EDOO, A., L. FOURNIER-RUGGLES, C. MATTIS, K. MATULEWICZ, & F. ROGERS. (2010). *White Paper on Quality Court Interpretation Services*. Retrieved January 12, 2014 from <http://www.yorku.ca/igreene/documents/ACCAWhitePaper11b.doc>.
- European Charter for Regional or Minority Languages. Strasbourg. 5.XI.1992. Retrieved on February 20, 2014 from <http://conventions.coe.int/Treaty/en/Treaties/Html/148.htm>
- FERRAN, C. & S. WATTS. (2008). "Videoconferencing in the field: A heuristic processing model." *Management Science*, 54 (9), 1565-1578.

- FINN, K., A. SELLEN, & S. WILBUR. (1997). *Video-Mediated Communication*. Mahwah, NJ: Erlbaum.
- FOWLER, Y. (1997). "The courtroom interpreter: Paragon and intruder." In S. Carr, R. Roberts, A. Dufour & D. Steyn (Eds.), *The Critical Link: Interpreters in the Community*. (pp. 191-200). Amsterdam/Philadelphia: John Benjamins.
- GILLIES, A. (2005). *Note-taking for Consecutive Interpreting – A Short Course*. Manchester: St Jerome Publishing.
- GUMPERZ, J. (1982). *Discourse Strategies*. Cambridge: CUP.
- HALE, S. (2007). *Community Interpreting*. Basingstoke: Palgrave Macmillan.
- HALE, S. (2008). "Controversies over the role of the court interpreter." In C. Valero-Garcés & A. Martin (Eds.), *Crossing Borders in Community Interpreting: Definitions and Dilemmas*. (pp. 99-121). Amsterdam/Philadelphia: John Benjamins.
- HALE, S. (2010). "The need to raise the bar: Court interpreters as specialized experts." In M. Coulthard & A. Johnson (Eds.), *The Routledge Handbook of Forensic Linguistics*. (pp. 440-454). London/New York: Routledge.
- HALE, S., I. GARCÍA, J. HLAVAC, M. KIM, M. LAI, B. TURNER, & H. SLATYER. (2012). *Improvements to NAATI testing: development of a conceptual overview for a new model for NAATI standards, testing and assessment*. Retrieved February 1, 2014 from <http://www.naati.com.au/PDF/INT/INTFinalReport.pdf>
- HAUBER, J., H. REGENBRECHT, A. HILLS, A. COCKBURN, & M. BILLINGHURST. (2005). "Social presence in two- and three- dimensional videoconferencing." In *Proceedings of 8th Annual International Workshop on Presence, London: UK*. 189-198.
- HELLER, M. (Ed.), 2007. *Bilingualism: a social approach*. Houndmills & New York: Palgrave Macmillan.
- HERTOG, E. (Ed.), (2001). *Aequitas: Equal access to justice across language and culture in the EU*. Antwerpen: Lessius. (Grotius Project 98/GR/131). www.eulita.eu.
- HERTOG, E. (2011). "Core competencies in legal interpreting and translation." In B. Townsley (Ed.), *Building Mutual Trust. A framework project for implementing EU common standards in legal interpreting and translation*. Middlesex University. (pp. 49-58). Retrieved February 1, 2014, from <http://www.lr.mdx.ac.uk/mutual-trust/mtdocs/BMT%20Report.pdf>.
- HERTOG, E. & Y. VANDEN BOSCH. (2000). "De gerechtstolk en vertaler in België: een status questionis." In *Linguistica Antverpiensia – New Series*, 34, 89-110.
- HERTOG, E. & VANDEN BOSCH, Y. (2004). "L'interprète et le traducteur judiciaires en Belgique." In *Traduire: Revue française de la traduction*, 200, 33-57.
- HERTOG, E. (2013). "Legal interpreting." In C.A. Chapelle (Ed.), *The Encyclopedia of Applied Linguistics*. Oxford: Blackwell Publishing Ltd.
- HLAVAC, J. (2013). "A Cross-National Overview of Translator and Interpreter Certification Procedures." In A. K. Melby (Ed.) *Translation & Interpreting, Special issue on certification*, 5 (1), pp. 32-65.

- IBRAHIM, Z. (2007). "The interpreter as advocate: Malaysian court interpreting as a case in point." In C. Wadensjö, B. Englund Dimitrova & A.L. Nilson (Eds.), *The CriticalLink 4: Professionalisation of interpreting in the community*. (pp. 205-214). Amsterdam/ Philadelphia: John Benjamins.
- INGHILLERI, M. & C. MAIER (2009). "Ethics." In M. Baker & G. Saldanha (Eds.), *Routledge Encyclopedia of Translation Studies*. (pp. 100-104). London: Routledge.
- JACOBSON, H. (2009). "Moving beyond words in assessing mediated interaction. Measuring interactional competence in healthcare settings." In C. Angelelli & H. Jacobson (Eds.), *Testing and assessment in translation and interpreting studies*. (p. 49). Amsterdam: Benjamins.
- JK. "Zoektocht naar een kwalitatieve gerechtstolk/vertaler". *De Juristenkrant*, 7, 6 oktober 1999, p. 8.
- LINELL, P. 2005. *The written language bias in linguistics: Its nature, origins and transformations*. London & New York: Routledge.
- LIU, M. & Y.-H. CHIU. (2011). "Assessing source material difficulty for consecutive interpreting. Quantifiable measures and holistic judgement." In R. Setton (Ed.), *Interpreting Chinese, Interpreting China*. (135-156.) Amsterdam/Philadelphia, John Benjamins.
- MARTIN, A. & J. M. ORTEGA HERRAEZ. (2013). "From invisible machines to visible experts: Views on interpreter role and performance during the Madrid train bomb trial." In C. Schäffner, K. Kredens & Y. Fowler (Eds.), *Interpreting in a Changing Landscape: The Selected Papers from Critical Link 6*. (pp. 101-114). Amsterdam/Philadelphia: John Benjamins.
- MASON, I. (1999). "Introduction." In I. Mason (Ed.), *Dialogue interpreting*, Special Issue of *The Translator*, 5 (2), 147-160.
- MAXWELL-HYSLOP, H. (2011). "The assessment of core competencies in legal Interpreting and translation." In Townsley, B. (Ed.), *Building Mutual Trust. A Framework Project for Implementing EU Common Standards in Legal Interpreting and Translation*, (pp. 49-58). Middlesex University. Retrieved February 1, 2014 from <http://www.lr.mdx.ac.uk/mutual-trust/mtdocs/BMT%20Report.pdf>
- MCNAMARA, T. F. (1997). "'Interaction' in second language performance assessment: Whose performance?" *Applied Linguistics*, 18, (4), 446-466.
- MCNAMARA, T. F. (2000). *Language Testing*. Oxford: Oxford University Press [Oxford Introductions to Language Study].
- MIKKELSON, H. (1998). "Towards a redefinition of the role of the court interpreter." *Interpreting* 3 (1), 21-45.
- MIKKELSON, H. (1999). "Relay interpreting: A solution for languages of limited diffusion?" *The Translator*, 5, (2). Retrieved February 12, 2014 from <https://www.acebo.com/papers/relay.htm>.
- MIKKELSON, H. (2000). *Introduction to Court Interpreting*. Manchester: St. Jerome Publishing.

- MIKKELSON, H. (2008). "Evolving views on the court interpreter's role: Between Scylla and Charybdis." In C. Valero-Garcés & A. Martin (Eds.), *Crossing borders in community interpreting: Definitions and dilemmas*. (pp. 81-97). Amsterdam/ Philadelphia: John Benjamins.
- MIKKELSON, H. (2010). "Consecutive or simultaneous? An analysis of their use in the judicial setting." *Across the Board*. Australian Sign Language Interpreters Association, 5, (1) 4-7. Retrieved February 1, 2014 from <http://www.acebo.com/papers/conorsim.htm>
- MORRIS, R. (1999). "The gum syndrome: Predicaments in court interpreting." *Forensic Linguistics* 6, (1), 6-29.
- MORRIS, R. (1999a). "The moral dilemmas of court interpreting." *The Translator* 1, (1) 25-46.
- MORTENSEN, D. (1998). *Establishing a scheme for interpreter certification. The Norwegian Experience. The Norwegian Interpreter Certification Examination*. Oslo: University of Oslo. Department of Linguistics.
- MORTENSEN, D. (2012). "The Norwegian Interpreter Certification Examination." In H. Skaaden & T. R. Felberg (Eds.), *Nordic seminar on interpreter training and testing* 12/2012. (pp. 51-60). Oslo: Høgskolen i Oslo og Akershus.
- MOSER-MERCER, B. (1994). "Aptitude testing for conference interpreting: Why, when and how." In S. Lambert & B. Moser-Mercer (Eds.), *Bridging the Gap. Empirical research in simultaneous interpretation*. (pp. 57-69). Amsterdam: John Benjamins.
- NEWHOUSE, P. & M. COOPER. (2013). "Computer-based oral exams in Italian language studies." *ReCall* 25, 321-229.
- OLSON, J., G. OLSON & D. MAEDER. (1997). "Face-to-face group work compared to remote group work." In K. Finn, A. Sellen & S. Wilbur (Eds.), *Video-mediated communication*. (pp. 157-172). Mahwah, NJ: Erlbaum.
- O'MALLEY, C., S. LANGTON, A. ANDERSON, G. DOHERTY-SNEDDON, & V. BRUCE. (1996). "Comparison of face-to-face and video-mediated communication." *Interacting-with-Computers*, 8, (2), 177-192.
- OZOLINS, U. (2010). "Factors that determine the provision of Public Service Interpreting: comparative perspectives on government motivation and language service implementation." *The Journal of Specialised Translation. JosTrans*, 14, 194-215.
- REDDY, M. (1979). "The conduit metaphor: A case of frame conflict in our language about language." In A. Ortony (Ed.), *Metaphor and Thought*. (pp. 284-324). Cambridge: Cambridge University Press.
- ROAT, C. (2008, March 28). "Addressing Language Barriers When Serving Refugee Patients." *Refugee Health Technical Assistance Center*. [Webinar]
- ROMAINE, S. (1998). *Bilingualism*. Second Edition. Malden, Mass.: Blackwell Publishers.
- ROSIERS, A. (2006). "Zoeken naar een oplossing: een proefproject in Antwerpen." In Y. Vanden Bosch (Ed.), *Recht en Taal*. (pp. 49-59) Morsel, Belgium: Intersentia.

- ROY, C. (2000). *Interpreting as a Discourse Process*. Oxford: OUP.
- SANDRELLI, A. (2011a). "Computer assisted interpreter training (CAIT) for legal interpreters and translators (LITs)." In B. Townsley (ed), *Building Mutual Trust: A framework project for implementing EU common standards in legal Interpreting and translation*. (pp. 234-268). London: Middlesex University Press. Retrieved from <http://www.lr.mdx.ac.uk/mutual-trust/>.
- SANDRELLI, A. (2011b). "Training in business interpreting and the role of technology." In J.F. Medina Montero & S. Tripepi Winteringham (Eds.), *Interpretazione e mediazione. Un'opposizione inconciliabile?*, (pp. 209-233). Rome: Aracne.
- SCHMID, M. (2011). *Language Attrition*. New York: Cambridge University Press.
- SCHÖN, D. (1987). *Educating the Reflective Practitioner*. San Francisco: Jossey-Bass.
- SCHWEDA NICHOLSON, N. (1994). "Professional ethics for court and community interpreters." In D.L. Hammond (Ed.) *Professional issues for translators and interpreters*. (pp. 79-97). Amsterdam/Philadelphia: John Benjamins.
- SCHWEDA-NICHOLSON, N. (1990A.). "Consecutive note-taking for community interpretation." In D. Bowen & M. Bowen (Eds.), *Interpreting: Yesterday, Today, and Tomorrow*. ATA Scholarly Monograph Series Vol. 4 (pp. 136.145). University Center at Binghaminton - SUNY
- SHLESINGER, M. (1991). "Interpreter latitude vs. due process: Simultaneous and consecutive interpretation in multilingual trials." In S. Tirkkonen-Condit (Ed.), *Empirical Research in Translation and Intercultural Studies*. (pp. 147-155). Tübingen: Gunter Narr.
- SHORT, J., E. WILLIAMS & C. BRUCE. (1976). *The Social Psychology of Telecommunications*. London: John Wiley.
- SKAADEN, H. (1999). *In short supply of language. Signs of first language attrition in the speech of adult migrants*. Oslo: Unipub Forlag.
- SKAADEN, H. (1999a). "Lexical knowledge and interpreter aptitude." *International Journal of Applied Linguistics*, 9 (1), 77-97.
- SKAADEN, H. (2003). "On the bilingual screening of interpreter applicants." In A. Collados Áis, M. M. Fernández Sánchez & D. Gile (Eds.), *La evaluación de la calidad en interpretación: Investigación*. (pp. 73-85). Granada: Interlingua.
- SKAADEN, H., & M. WATTNE. (2009). "Teaching interpreting in cyber space. The answer to all our prayers?" In R. de Pedro Rico, I.A. Perez & C. W. L. Wilson (Eds.), *Interpreting and translating in public service settings. Policy, practice, pedagogy* (pp. 74-88). Manchester: St. Jerome Publishing.
- SKAADEN, H. (2013). "Assessing interpreter aptitude in a variety of languages." In D. Tsagari & R. Van Deemter (Eds.) *Assessment issues in language translation and interpreting*. (pp. 147-155). Frankfurt: Peter Lang.
- TATE, G. & G. T. TURNER. (1997). "The code and the culture: Sign language interpreting – In search of the new breed's ethics." *Deaf Worlds* 13 (3), 27-34. Also in F. Pöchhacker & M. Shlesinger (Eds.), *The Interpreting Studies Reader*. (pp. 372-383). London: Routledge.

- TOWNSLEY, B. (Ed.). (2011). *Building Mutual Trust*. London: Middlesex University. (Criminal Justice Project JLS/2007/219). Retrieved from <http://www.lr.mdx.ac.uk/mutual-trust/>
- TURNER, G. & R. BROWN. (2001). "Interaction and the role of the interpreter in court." In F.J. Harrington & G. Turner (Eds.), *Interpreting interpreting: Studies and reflections on sign language interpreting*. (pp. 152-167). Coleford: Douglas McLean.
- UK College of Legal Education. (2011). *Law in action: learning through scripted role plays*. Retrieved February 1, 2014, from <http://www.ukcle.ac.uk/students/resources-for-students/students/>
- VANDEN BOSCH, Y. (1998). *Gerechtstolken/-vertalers, medewerkers van het gerecht: opleiding en organisatie van het beroep*. Koning Boudewijnstichting, Projectoproep Justitie in beweging.
- VANDEN BOSCH, Y. (1998a). "Pleidooi voor een gespecialiseerde opleiding gerechtstolk/-vertaler, De weg waaraan gewerkt wordt." In *Huldeboek aan Rik van Leuven opgedragen bij zijn afscheid als algemeen directeur van de Katholieke Vlaamse Hogeschool*. (pp. 193-196). Katholieke Vlaamse Hogeschool.
- VANDEN BOSCH, Y. (2006). "Recht op 'tegenspraak': een grondrecht, Recht en taal, rechtszekerheid voor de anderstalige rechtzoekende. In Y. Vanden Bosch (Ed.), *Recht en Taal*. (pp. 3-15). Morsel, Belgium: Intersentia.
- VANDEN BOSCH, Y. (2011). "Taalbarrières voor anderstaligen: gelijke toegang tot het recht en de rechter door een effectieve en kwalitatieve inzet van gerechtsvertalers en tolken." In *Vlaams Pleitgenootschap bij de balie te Brussel & La conférence du jeune barreau de Bruxelles. De taal van het proces - 75ste verjaardag van de wet van 15 juni 1935 op het gebruik der talen in gerechtszaken. Brussel, 21 mei 2010*. (pp. 65-113). Morsel, Belgium: Intersentia.
- VANDEN BOSCH, Y. (2001). "Gerechtstolken, -vertalen, realisatie van een recht van elke mens: de maatschappij als uitdager: neemt Lessius de handschoen op?" In B. Van Huffel & W. Segers. *Mélanges: vertalers en verwanten*. (pp. 109-123). Antwerp: Lessius Hogeschool.
- VOETS, F. (2000). "Gerechtstolken krijgen eindelijk erkenning." *De Juristenkrant*, 6, 26 maart 2000, p. 8.
- WADENSJÖ, C. (1998). *Interpreting as Interaction*. London: Longman.
- WADENSJÖ, C. (forthc./2014). "Perspectives on role-play: analysis, training and assessments." In E. Davitti & S. Pasquandrea (Eds.), *The Interpreter and Translator Trainer*, 8 (2). Special issue.
- WALLACE, M. (2012). *Predictors of successful performance on US Consortium Court Interpreter Certification Exams*. Alicante: Universidad de Alicante. Retrieved Feb. 1, 2014 from <http://hdl.handle.net/10045/28364>.
- WALLACE, M. (2013, January). "Prioritizing Quality through Bifurcated Oral Certification Testing and Centralized Interpreting Services Protocols." Paper presented at the Qualitas Meetings, Alicante, Spain.
- WEI, L. (2000). *The Bilingualism Reader*. London: Routledge.

WINKE, P. (2013). "Rating Oral Language." In Chapelle, C. (Ed.), *The Encyclopaedia of Applied Linguistics*. London: Blackwell.

ZIMANYI, K. (2009). "On impartiality and neutrality: A diagrammatic tool as a visual aid." *The International Journal for Translation and Interpreting* 1 (2), 55- 70.

Links to websites of certification schemes and websites cited:

Antwerpen Opleiding Gerechtsvertalen/-tolken (GVT) -Antwerp Legal Interpreter/Translator Certification-, Belgium: http://www.arts.kuleuven.be/english/home/opleidingen/manamas/gerechtsvertalen_tolken/index

Black Box: <http://www.melissi.co.uk/software/BBx.html>

Council of Language Access in the Courts (CLAC) - formerly the Consortium for State Interpreter Certification Exam, United States of America: <http://www.ncsc.org/Services-and-Experts/Areas-of-expertise/Language-access/Written-and-Oral-Exam-Resources.aspx>

Diploma in Public Service Interpreting (DPSI), United Kingdom: http://www.iol.org.uk/qualifications/exams_dpsi.asp

Federal Court Interpreter Certification Examination (FCICE), United States of America: <http://www.ncsc.org/sitecore/content/microsites/fcice/home/About-the-program/Examinee-Handbook/4-The-oral-examination.aspx>

National Accreditation Authority for Translators and Interpreters (NAATI), Australia: <http://www.naati.com.au/testing.html>

Teachers' Pet: <http://www.teachers-pet.org/index.php>

PROJECT PARTICIPANTS

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Ann Corsellis OBE. Hon FCIL A Vice-President of the Chartered Institute of Linguists, London. Coordinated the UK pilot projects to develop systems for the selection, training, assessment, registration and good practice of public service interpreters and their trainers – together with in-service training for public service personnel on how to work with interpreters and translators. Coordinator of first EU project, Aequitas, and participant in seven subsequent and three current EU related projects. Publications include *Public Service Interpreting – the first steps*. Palgrave Macmillan. Retired magistrate.

Cynthia Giambruno is professor of conference and court interpreting at the University of Alicante (Spain). Her publications and research interests lie in the fields of legal interpreting, language policy, and interpreter training and testing. She has participated on several EU projects related to legal interpreting over the last decade.

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Hendrik Kockaert is an Associate Professor of French Linguistics, Terminology, Legal Translation, and Translation Technology at KU Leuven, Faculty of Arts, in Antwerp. He is a member of the research unit “Quantitative Lexicology and Variation Linguistics” and is involved in an Industrial Research Fund: TermWise: developing software to support legal translators in dealing with specialised language. He is a Research Associate in the Language Management and Language Practice Department of the University of The Free State, Bloemfontein, Republic of South-Africa. He is the Editor-in-Chief of *The Journal of Internationalisation and Localisation* [JIAL] and coordinates or participates on projects financed by the European Commission such as Qualettra (JUST/2011/JPEN/AG/2975), and LIT Search (JUST/2013/JPEN/AG/4556). He publishes in the areas of terminology, legal translation and translation technology.

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Annalisa Sandrelli teaches Consecutive Interpreting and Film Language and Translation at Università degli Studi Internazionali di Roma (UNINT), where she also designed and directed the MA in Legal Translation and Interpreting. She has also taught at the University of Bologna (Forlì), the University of Trieste and the University of Hull (UK). She is a member of the LARIM research group on interpreter-mediated interactions and of the Eurolect Observatory (Interlingual and intralingual analysis of legal varieties in the EU setting). She has participated in the EPIC (European Parliament Interpreting Corpus) project and Building Mutual Trust: a framework project for implementing EU common standards in legal interpreting and translating (JLS/2007/JLS/219). She is currently involved in several research projects, including Qualitas, Understanding Justice (JUST/2013/JCIV/AG), and The dubbing of TV dialogue (UNINT and University of Pisa). She has published extensively on CAIT (Computer Assisted Interpreter Training), corpus-based Interpreting Studies, legal interpreting and audiovisual translation.

Hanne Skaaden teaches interpreting at Oslo and Akershus University College of Applied Sciences and has taught interpreting both on-campus and on-line to a variety of language groups since 1993. In addition to web-based learning, her research covers first language attrition in the speech of adult migrants; bilingual testing; the professionalization of public sector interpreting; courtroom interpreting; and on-screen (remote) interpreting. Hanne Skaaden is author of the textbook *Den topartiske tolken (The Bipartisan Interpreter)* published by Universitetsforlaget (2013).

Sarka Timarova trained and is professionally active as a conference interpreter. She is a member of the Interpreting Studies research group at KU Leuven. Her research interests include cognitive aspects of the interpreting process, process research methodology and (mainly cognitive) aptitude for interpreting, with an application to aptitude testing and admission screening in interpreting schools.

Brooke Townsley (MA, RPSI, FCIOL) is senior lecturer in public service interpreting and translation at Middlesex University. He worked as a legal interpreter and translator with English and Turkish in the Criminal and Civil justice systems before joining the university in 2000. He has an MA from Edinburgh University in English Language and Literature and an MA from the School of Oriental and African Studies (Lon) in Modern Turkish Studies. Between 2006 and 2011, he was Chair of the National Register of Public Service Interpreters (NRPSI) and a member of the Council of the Chartered Institute of Linguists (CIOL). He is a Fellow of the Chartered Institute of

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Roelof van Deemter has been engaged in testing and assessment since the early 1990s. He developed language tests and assessments closely aligned to the Common European Framework of Reference (CEFR) of the Council of Europe. Currently, he is responsible for safeguarding the quality of the national certification assessment which is the gate-keeper of the national Register for sworn interpreters and translators (RBTV) in the Netherlands. He is also in charge of its day-to-day management. In 2013, he co-edited a publication titled *Assessment Issues in Language Translation and Interpreting* (Peter Lang edition) together with Dina Tsagari. In 2009, he founded Shibboleth Assessments in order to provide consultancy services in the field of testing and assessment. Shibboleth has developed knowledge tests and performance assessments for various institutions (e.g. Dutch Ministry of Justice, Dutch Ministry of Defense, University of Leiden).

Yolanda Vanden Bosch is a Lawyer / Partner-director in the law firm Van der Mussele – Vanden Bosch and a member of the Antwerp Bar, specialized in public and administrative law and human rights. She studied law at the University of Antwerp, and specialized in international law and human rights. She is Secretary-General of the Association of Flemish Jurists and a Member of the Board of the United Nations Association Flanders Belgium (VVN). She lectures at KU Leuven on legal aspects and deontology for legal and community interpreting and translation courses and is a trainer of court interpreters and translators. She has participated in different EU-projects (Grotius I & II, Agis I & II, Eulita, Building Mutual Trust I & II, Avidicus I & II, Trafut) and currently participates in the EU-projects Qualitas, Avidicus III, Understanding Justice, LIT Search).

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